

**Manual for Law Enforcement Agencies:
Stalking and Sexual Assault
within the
Context of Domestic Violence**

prepared by

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Stalking and Intimate Partner Femicide

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An 18-item stalking inventory and personal interviews with knowledgeable proxy informants and victims of attempted femicide were used to describe the frequency and type of intimate partner stalking that occurred within 12 months of attempted and actual partner femicide. One hundred forty-one femicide and 65 attempted femicide incidents were evaluated. The prevalence of stalking was 76% for femicide victims and 85% for attempted femicide victims. Incidence of intimate partner assault was 67% for femicide victims and 71% for attempted femicide victims. A statistically significant association existed between intimate partner physical assault and stalking for femicide victims as well as attempted femicide victims. Stalking is revealed to be a correlate of lethal and near lethal violence against women and, coupled with physical assault, is significantly associated with murder and attempted murder. Stalking must be considered a risk factor for both femicide and attempted femicide, and abused women should be so advised.

Stalking, as defined in the National Violence Against Women (NVAW) survey (Tjaden & Thoennes, 1998), includes repeated

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(e.g., two or more) occasions of visual or physical proximity, non-consensual communication, or verbal, written, or implied threats that would cause fear in a reasonable person. Using this definition, the results of the NVAW telephone survey of 8,000 U.S. women and 8,000 U.S. men found that 1% of the women and 0.4% of the men reported being stalked during the preceding 12 months.

The NVAW survey confirmed that most female victims know the stalker; only 23% of female victims were stalked by strangers. Overall, 62% of female victims were stalked by a current or former intimate partner, with 38% of the women reporting stalking by current or former husbands, 10% by current or former cohabiting partners, and 14% by current or former dates or boyfriends. Acquaintances and relatives composed the remaining groups of nonintimate, nonstranger stalkers. Stalking by an intimate partner occurred before the relationship ended for 21% of the women, after the relationship ended for 43%, and 36% of the women said stalking occurred both before and after the relationship ended (Tjaden & Thoennes, 1998).

Stalking and Intimate Partner Assault

Eighty-one percent of the women in the NVAW survey who were stalked by a current or former husband or cohabiting partner were also physically assaulted by the same partner (Tjaden &

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Thoennes, 1998). This supports other studies that report stalkers are more likely to be violent if they have had an intimate relationship with the victim (Coleman, 1997; Meloy, 1998). In addition, the NVAW survey confirmed the link between stalking and controlling behavior. Ex-husbands who stalked were significantly more likely than ex-husbands who did not stalk to engage in emotionally abusive (e.g., shouting and swearing) and controlling behavior (e.g., limiting contact with others, jealousy, and possessiveness). These same emotionally abusive and controlling behaviors clearly occur when women are assaulted by their intimate partners (Klein, Campbell, Soler, & Ghez, 1997).

In 1996, women in the United States were victimized by intimates in about 840,000 incidents of rape, sexual assault, robbery, aggravated assault, and simple assault. The highest percentage of intimate violence was among women aged 16 to 24 (Greenfeld et al., 1998), paralleling the results of the NVAW survey, which found that 52% of the female victims of stalking were 18 to 29 years of age. Thus, a strong connection appears to exist between intimate partner stalking and assault, with younger women more often victimized (Office of Justice Programs, 1998).

Although many more battered women are stalked by their perpetrators than are actually killed, it remains unclear who will be a stalker and what relationship stalking behavior has with severity of injury or death of the victim. However, the information that is available suggests that stalkers are worthy of attention because they are a potentially dangerous group. For instance, some experts on abuse warn that the most dangerous perpetrators can be identified by their stalking behavior (Hart, 1988), and psychologists believe that stalking behavior and obsessive thinking are highly related behaviors (Meloy, 1996). One study that profiled perpetrators of domestic violence by the presence or absence of stalking behavior, found stalkers, compared to nonstalkers, tended to live alone, were less likely to be married, and used more alcohol (Burgess et al., 1997). A profile of stalkers by Meloy (1998) noted that at least one half of stalkers explicitly threaten their victims, and although most threats are not carried out, the risk of violence increases when there is a verbal threat. Meloy further noted that the frequency of violence among stalkers toward the person being stalked averages in the 25% to 35% range, with the most

likely group of stalkers to be violent being those individuals who have had a prior sexually intimate relationship with the victim.

Authors agree that most victims of stalking suffer major life disruptions and serious psychological effects including anxiety, depression, and symptoms of trauma (Hall, 1998; Pathe & Mullen, 1997). It has been recommended that stalking be considered a risk factor for further physical abuse or a lethal incident just by virtue of the tenacious proximity-seeking toward the victim, especially if the stalking occurs in combination with other high risk behaviors (Walker & Meloy, 1998).

Prevalence and Perpetrator Characteristics of Intimate Femicide

Women are more likely than men to be murdered by an intimate partner. In 1996, nearly 2,000 murders were committed by intimates, and in almost 3 out of 4 of these killings, the victim was a woman (Greenfeld et al., 1998). Women are more likely to be killed by an intimate partner than by all other categories of known assailants combined (Browne & Williams, 1993; Kellerman & Mercy, 1992). Over the past two decades, women account for an increasingly greater proportion of persons killed by an intimate. According to a Bureau of Justice Statistics report (1994), in 1977 54% of the victims killed by an intimate partner were females. By 1992, the proportion of female victims killed by intimates had increased to 70%. In addition, Greenfeld et al. (1998), tracing intimate murders since 1976, documented a decrease in intimate murders among men, Blacks (both male and female), and for murders involving firearms. However, the number of White females murdered by a nonmarital intimate has shown an increase in fatalities between 1976 and 1996 (the authors offered no explanation for the racial differential).

Partner femicides are frequently preceded by domestic violence and may involve the woman's recent separation from the relationship (Arbuckle et al., 1996; Campbell, 1992; Ellis & DeKeseredy, 1997). Felder and Victor (1997), for instance, estimated that between 29% and 54% of female murder victims (i.e., femicides) are battered women. Similarly, Moracco, Runyan, and Butts's (1998) study of 586 femicides in North Carolina between 1991 and 1993 document that 76.5% of partner femicides were

preceded by physical assault. In other research, male perpetrator behaviors that are repeatedly associated with partner femicide include perpetrator gun access and prior use, threats to use a weapon, previous serious injury inflicted toward the victim, extreme jealousy, threats of suicide, and drug and/or alcohol abuse (Bailey et al., 1997; Block & Christakos, 1995; Campbell, 1995; Moracco et al., 1998; Smith, Moracco, & Butts, 1998).

Prevalence and Perpetrator Characteristics of Attempted Intimate Femicide

Little is known about the prevalence and perpetrator characteristics of attempted femicide. A recent report using Bureau of Justice statistics estimated that between 1992 and 1996, 51% of all female victims of partner violence were injured, with approximately 0.5% suffering a gun, knife, or stab wound (Greenfeld et al., 1998). The same report estimated about 1 million women are injured by an intimate partner each year and an additional 1 million are assaulted but not injured. Using the 0.5 percentage of gun, knife, and stab wounds, this would indicate upward to 5,000 women each year experience serious, life-threatening violence.

A stratified nonprobability sample of 91 hospitals in the United States that have at least six beds and provide 24-hour emergency service revealed the rate of nonfatal firearm injuries treated to be 2.6 times the national rate of fatal firearm injuries (Annest, Mercy, Gibson, & Ryan, 1995). This ratio of 2.6 nonfatal to 1 fatal injuries was the same for males and females aged 15 to 24 years; however, the ratio of nonfatal to fatal gunshot wounds for African American males and females aged 15 to 24 years was 4.1:1 and 4.3:1, respectively. Furthermore, 57% of these nonfatal firearm wounds required hospitalization.

There are few published reports that have described the prevalence of nonfatal firearm and stab wound injuries specific to abused women. However, a study of 329 pregnant Hispanic women revealed that 11% reported a knife or gun used against them within the last 12 months by the male intimate (Wiist & McFarlane, 1998). Another study of 90 abused women filing assault charges against an intimate revealed 24% had experienced a knife or gun used against them within the preceding 3 months (McFarlane, Willson, Lemmey, & Malecha, in press). Women who

report a weapon used against them also report significantly higher levels of physical abuse as well as higher scores on a lethality assessment scale (McFarlane, Soeken, et al., 1998).

Stalking Preceding Actual and Attempted Intimate Femicide

Although the literature is sparse, it appears that when stalking occurs in conjunction with intimate partner violence, it may end in severe violence and/or possible femicide (Lingg, 1993; Pathe & Mullen, 1997; Perez, 1993). Yet, estimates of this linkage is virtually absent from the literature. In the only study found that makes an explicit attempt to do so, Moracco et al. (1998) found that of 586 femicide victims in North Carolina, half were murdered by a current or former partner; of these, 23.4% had been stalked prior to the fatal incident. No studies were identified that assessed stalking for attempted intimate femicide victims. Thus, a clear need exists for further research into this area.

The Present Research

The purpose of this study is to describe the frequency and type of intimate partner stalking that preceded both attempted and actual partner femicide in a multisite national study of risk factors for femicide in violent intimate relationships. The results reported next derive from an ongoing research project, Risk Factors in Violent Intimate Relationships, the aim of which is to examine risk factors for serious nonlethal and lethal violence against women by their intimate partners. The authors examine the extent to which stalking is a potential risk factor of attempted and actual intimate partner femicide.

METHOD

Sample

These descriptive data are part of a 10-city study to determine the risk factors of actual and attempted intimate partner femicide. The sample for this report is drawn from the closed police records of these U.S. cities: Baltimore; Houston, Texas; Kansas City,

Kansas; Kansas City, Missouri; Los Angeles; New York; Portland, Oregon; Seattle, Washington; St. Petersburg/Tampa, Florida; and Wichita, Kansas. The cities were chosen based on size and their geographic representativeness of the United States.

Sampling began following agency approvals and institutional review boards approval for human subjects. At each site, coinvestigators worked with local law enforcement, the district attorney's office, and the medical examiners to identify closed records of women who had been victims of femicide or an attempted femicide by an intimate partner. The time period searched was 1994 through 1998. Inclusion criteria for intimate partner was a current or former spouse, boyfriend, or same sex partner. Inclusion criteria for attempted partner femicide was more complex, so is presented in Appendix A. A total of 141 femicides and 65 attempted femicides met the study criteria and form the basis for this report.

Data Collection for Femicide Victims

Using closed records, one or more potentially knowledgeable proxy informants, such as a parent, sibling, or other close relative of the deceased woman, were identified and contacted by mail. Once contacted, a prescreening questionnaire was administered to assess length of time the informant had known the victim and perpetrator and knowledge level about the relationship. Frequently, this person did not feel qualified to answer questions about the relationship and referred the investigator to other potential informants. When a knowledgeable informant was identified and consented, a brief demographic profile of the informant was completed, followed by an interview questionnaire about the relationship between the deceased woman and intimate partner. Following demographic information, questions focused on the characteristics of the relationship including type, frequency, and severity of any violence, as well as alcohol and/or drug use and use of health and criminal justice agencies. To profile the relationship of victim and perpetrator within a close proximity to the lethal event, questions focused on the 12 months preceding the femicide. The interview took about 1 hour. Approximately 10% of identified proxies refused to participate, at which point a second knowledgeable proxy was identified.

Data Collection for Attempted Femicide Victims

Using the study criteria and closed records, women who had survived an attempt on their life were identified and contacted by mail. Once contacted and consent was obtained, a convenient time was arranged for the interview. As with the proxies, all interviews were conducted by doctorally prepared researchers or doctoral students experienced in conducting sensitive communications with victims of domestic abuse. The same questionnaire was used with the proxy informants and the victims. None of the identified attempted femicide victims refused to participate.

Instrument

An 18-item survey was used to document the frequency and type of stalking by the intimate partner perpetrator during the 12 months preceding the attempted or actual femicide. The definition of stalking used for this study is similar to the Model Anti-stalking Code for States (National Criminal Justice Association, 1993) and is taken from a report by Tjaden and Thoennes (1998). Stalking is defined as "harassing or threatening behavior that an individual engages in repeatedly, such as following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages, or objects, or vandalizing a person's property" (Tjaden & Thoennes, 1998, p. 1).

The stalking survey is shown in Appendix B. The first 6 items were developed by Tjaden and Thoennes (1998) as part of the Violence and Threats of Violence Against Women in America Survey. Examples of these items include being followed or spied on, sent unsolicited letters or written correspondence, or finding the perpetrator standing outside the victim's home, school, or workplace. Content validity was established by a panel of experts. Twelve items were added from the Sheridan (1998) HARASS instrument to form the 18-item survey used in the present study. Examples of items added include threats by the abuser to harm the children or commit suicide if the woman left the relationship, leaving scary notes on her car, or threatening her family. In this study, reliability (coefficient alpha) was 0.80 for the group of 65 attempted femicide women and 0.84 for the group of 141 femicides. All stalking questions were limited to the 12-month period

before the attempted or actual femicide incident. Respondents answered yes or no to each stalking behavior.

RESULTS

The sample consisted of 208 women, 141 who had been killed by their intimate partner and 65 who had survived an attempt on their life by their intimate partner. Demographic variables for femicide and attempted femicide victims along with the test statistic, significance level, and degrees of freedom are presented in Table 1. Mean age, percentage of victims employed, and relationship status were almost identical for attempted and femicide victims; however, ethnicity and education varied, although not significantly. When compared to femicide victims, a greater proportion of attempted femicide victims were African American and had completed fewer years of education.

Frequency, Type, and Extent of Stalking

Seventy-six percent of femicide and 85% of attempted femicide respondents reported at least one episode of stalking within 12 months of the violent incident. Shown in Table 2 is the type and prevalence of stalking behavior experienced, along with chi-square and significance values. The most frequently reported stalking behavior for both femicide and attempted femicide victims was being followed or spied on. Additional stalking behaviors reported by almost half of all women was the intimate partner perpetrator sitting in a car outside her home or work site and receiving unwanted phone calls. Due to the 18 comparisons made between completed and attempted femicides, the Bonferroni technique was used to guard against Type I error rate by limiting the studywide error rate to a .05 alpha level (Dunn, 1961). This alpha rate was spread over the number of chi-square tests conducted for a significance level of .002 (i.e., $.05/18 = .002$). Using this standard, none of the 18 stalking behaviors varied significantly between femicide and attempted femicide victims.

To determine the extent of stalking experienced, the number of stalking behaviors was calculated for each woman. The number of stalking behaviors reported ranged from 1 to 15 for femicide

TABLE 1
Demographics and Relationship Status for Intimate Partner
Femicide (*n* = 141) and Attempted Femicide (*n* = 65) Victims

	<i>Femicide</i>	<i>Attempted Femicide</i>
Age	34.87 (<i>SD</i> = 13.9)	33.48 (<i>SD</i> = 9.6)
Race		
African American(%)	38	52
White (%)	31	23
Latino/Hispanic (%)	24	20
Other (Native American/ Asian Pacific Islander) (%)	7	5
High school graduate (%)	71	57
Employed, full- or part-time (%)	66	62
Relationship status		
Current partner (%)	64	66
Ex-partner (%)	36	34

NOTE: Age = $T = 0.709$; $p = 0.106$. Race = $\chi^2 = 3.646$, $df = 3$, $p = 0.302$. High school graduate = $\chi^2 = 3.536$, $df = 1$, $p = 0.06$. Employed = $\chi^2 = 0.461$, $df = 1$, $p = 0.497$. Relationship status = $\chi^2 = 0.031$, $df = 1$, $p = 0.861$.

victims and 1 to 12 for attempted victims. Mean values were 4.2 ($SD = 3.7$) for femicide victims and 4.6 ($SD = 3.5$) for attempted femicide women. The difference between the means was not statistically significant.

Physical Abuse and Stalking

When asked if the intimate partner perpetrator had physically abused the woman within the year prior to the violent incident, 67% of the femicide informants and 71% of the attempted femicide victims said yes. Among femicide informants reporting yes to physical abuse by the perpetrator, 89% also reported stalking, compared to 56% of the nonabused femicide victims reporting stalking, a statistically significant difference ($\chi^2 = 15.42$, $df = 1$, $p = .0001$). Therefore, if a femicide victim was physically abused prior to the murder, she was also far more likely to also be stalked. Among attempted femicide victims, a significant relationship between physical abuse and stalking also existed. Approximately 91% of the attempted femicide victims who reported abuse within the year prior to the incident also reported stalking compared to 68% of the nonabused women reporting stalking ($\chi^2 = 5.2$, $df = 1$, $p = .022$).

TABLE 2
Percentage of Femicide and Attempted Femicide Victims
Experiencing Stalking Within 12 Months of the Lethal or Near-Lethal Event

<i>Perpetrator Stalking Behavior</i>	<i>Femicide (%)</i>	<i>Attempted Femicide (%)</i>	χ^2	<i>p Value</i>
Sent unwanted letters	10	15	1.081	0.299
Followed or spied	53	60	1.021	0.312
Unwanted phone calls	45	43	0.117	0.732
Waited outside house/school/work	47	46	0.000	0.994
Left threatening messages on phone	22	12	2.898	0.089
Communicated in other ways against her will	33	39	0.550	0.458
Destroyed/vandalized property	34	49	3.665	0.056
Frightened with a weapon	39	40	0.000	0.983
Threaten to harm kids if victim left	13	11	0.269	0.604
Threatened to kill self if victim left	19	34	5.788	0.016
Threaten to take kids if victim left	15	17	0.126	0.723
Frightened victim's family	24	31	1.013	0.314
Left threatening notes on victim's car	10	11	0.017	0.895
Threatened to report drug use	4	3	0.079	0.778
Threatened to report to authorities	4	8	1.258	0.262
Threatened to leave victim	15	14	0.052	0.819
Tried to get victim fired from job	16	19	0.112	0.738
Hurt a pet on purpose	11	11	0.001	0.972

Relationship Status and Stalking

Former intimate partners were more likely than current intimates to stalk both femicide and attempted femicide women; 69% of the femicide victims in current relationships reported stalking by the perpetrator compared to 88% of femicide victims reporting the relationship had ended. Among attempted femicide victims, 63% of the women in current relationships reported stalking compared to 68% in ended relationships. Finally, when asked if the woman had reported the stalking behaviors, 54% of the femicides and 46% of the attempted femicide respondents answered affirmatively. The most common reporting agency for both groups of women was the police. Although none of these differences were found to be statistically significant, they demonstrate further the relatively high level of stalking among both groups.

DISCUSSION

This study found that 76% of femicide and 85% of attempted femicide victims had experienced stalking within 12 months of their actual or attempted murder. The most frequent type of stalking reported was following or spying, followed by surveillance by the perpetrator from a parked car outside the woman's house or work site. Neither type nor extent of stalking significantly differ by femicide or attempted femicide group. When asked about physical abuse during the same time period as the reported stalking, femicide victims were far more likely to have been stalked if they reported abuse. Although in the same direction, the stalking and physical abuse relationship was not as strong for attempted femicide victims. This study did not assess if stalking preceded or followed abuse.

Although former intimate partners were more likely to stalk than current partners, the association was not significant. This finding adds strength to the fact that abused women are at the highest risk for further harm or actual death from the point of ending the relationship to about 2 years postseparation (Campbell, 1992, 1995; Meloy, 1998).

Compared to the study by Moracco et al. (1998) that reports 23.4% of intimate partner femicide victims stalked, these findings reveal a much higher stalking prevalence of 76%. The difference is most likely due to this study's use of proxy informants who knew the victim and perpetrator, whereas Moracco et al. relied on police knowledge. Forty-two percent of the women in this study had not reported the stalking to the police. Overall, results are in line with those of the NVAW survey (Tjaden & Thoennes, 1998); both sources indicate a strong association between intimate partner assault and stalking as well as the occurrence of stalking both by current and former intimate partners.

CONCLUSION

Conclusions are straightforward. During the 12 months before an intimate partner attempted or actually murdered, more than three fourths of the women were stalked and two thirds were

physically assaulted. The association between assault and stalking was strongest for murdered women but it appears that both intimate partner assault and stalking are risk factors for lethal and near-lethal violence for women, especially when these two perpetrator behaviors occur together. Unfortunately, many jurisdictions do not consider stalking by itself grounds for orders of protection and antistalking laws are difficult to enforce for batterers. Although 19% of this sample were stalked but not abused, results suggest that these women were still at serious risk to serious, even deadly, harm.

Although both stalkers and nonstalkers were reported as extremely violent in this sample, the task now is to identify the singular contribution of stalking toward intimate partner femicide and attempted femicide. Risk profiles for lethality have not traditionally included stalking behavior although stalking can definitely be considered a dimension of dominance and control. Certainly, stalking can be conceptualized at the extreme end of the continuum of controlling psychologically abusive behaviors; however, these behaviors tend not to be included on psychological abuse instruments. In addition, the occurrence and/or extent of stalking behavior and its association with intimate partner lethality has not been recorded or reported within existing record systems or research studies.

Clearly, researchers must consider the impact of stalking on intimate partner femicide and attempted femicide for women in all age groups. Is there a severity and pattern sequencing to intimate partner stalking? Does public stalking precede or follow secretive stalking (i.e., hang-up phone calls, anonymous mail, and spying). How do stalkers who physically assault differ from stalkers who do not assault? Efforts are urgently need to compile detailed information on stalking and intimate partner violence. It is essential to include stalking in risk models for intimate partner violence against women and in risk assessments to apprise women of their danger.

APPENDIX A

Inclusion Criteria for Attempted Partner Femicide

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1. Gunshot or stab wound to the head, neck, or torso.
 2. Gunshot directed at the woman.
 3. Hit with an object, kicked with a steel-toed boot, or otherwise beaten badly enough to cause death or result in loss of consciousness or internal injuries.
 4. Held under water with loss of consciousness or internal injuries.
 5. Strangulation with loss of consciousness.
 6. Victim suffered severe injuries that could have easily lead to death.
-

APPENDIX B

Stalking Survey

Please answer yes or no to the following. During the 12 months before the attempted or lethal incident did the perpetrator

1. Send the victim unwanted letters?
 2. Follow or spy on the victim?
 3. Make unwanted phone calls to the victim?
 4. Stood or sat in a car outside the victim's house, school, or workplace?
 5. Left threatening messages on the telephone answering machine?
 6. Tried to communicate with the victim in other ways against her will?
 7. Destroyed or vandalized the victim's property or destroyed something she loved?
 8. Frightened the victim with a weapon?
 9. Threatened to harm the children if the victim left (or didn't come back)?
 10. Threatened to kill himself (or victim) if the victim left (or didn't come back)?
 11. Threatened to take the children if the victim left (or didn't come back)?
 12. Frightened or threatened the victim's family?
 13. Left scary notes on the victim's car?
 14. Threaten to report the victim to the authorities for taking drugs or for other things the victim did not do?
 15. Threatened to report the victim to child protective services, immigration, or to other authorities if the victim did not do what the perpetrator said?
 16. Threatened to leave the victim if victim didn't do what he said?
 17. Tried to get the victim fired from her job?
 18. Hurt a pet on purpose?
-

REFERENCES

- Annest, J. J., Mercy, J. A., Gibson, D. R., & Ryan, G. W. (1995). National estimates of nonfatal firearm related injuries: Beyond the tip of the iceberg. *Journal of American Medical Association*, 273, 1749-1754.
- Arbuckle, J., Olson, L., Howard, M., Brillman, J., Anctil, C., & Sklar, D. (1996). Safe at home: Domestic violence and other homicides among women in New Mexico. *Annals of Emergency Medicine*, 27, 210-215.
- Bailey, J. E., Kellerman, A. L., Some, G. W., Barton, M. S., Rivera, F. P., & Rushforth, N. P. (1997). Risk factors for violent death of women in the home. *Annals of Internal Medicine*, 157, 777-782.
- Block, C. R., & Christakos, A. (1995). Intimate partner homicide in Chicago over 29 years. *Crime & Delinquency*, 41, 496-526.
- Browne, A., & Williams, K. (1993). Gender, intimacy and lethal violence: Trends from 1967 through 1987. *Gender and Society*, 7, 78-98.
- Bureau of Justice Statistics. (1994). *Violence between intimates* (NCJ 149259). Washington, DC: Department of Justice.
- Burgess, A. W., Baker, T., Greening, D., Hartman, C. R., Burgess, A. G., Douglas, J. E., & Halloran, R. (1997). Stalking behaviors within domestic violence. *Journal of Family Violence*, 12, 389-402.
- Campbell, J. C. (1992). "If I can't have you, no one can": Power and control in homicide of female partners. In J. Radford & D.E.H. Russell (Eds.), *Femicide: The politics of woman killing* (pp. 99-113). New York: Twayne.
- Campbell, J. C. (1995). *Assessing dangerousness: Violence by sexual offenders, batterers, and child abusers*. Thousand Oaks, CA: Sage.
- Coleman, F. L. (1997). Stalking behavior and the cycle of domestic violence. *Journal of Interpersonal Violence*, 12, 420-432.
- Dunn, O. J. (1961). Multiple comparisons among means. *Journal of the American Statistical Association*, 56, 52-64.
- Ellis, D., & DeKeseredy, W. S. (1997). Rethinking estrangement, interventions, and intimate femicide. *Violence Against Women*, 3, 590-609.
- Felder, R., & Victor, B. (1997). *Getting away with murder: Weapons for the war against domestic violence*. New York: Touchstone.
- Greenfeld, L., Rand, M., Craven, D., Klaus, P. A., Perkins, C. A., Ringel, C., Warchol, G., Matson, C., & Fox, J. A. (1998). *Violence by intimates: Analysis of data on crimes by current or former spouses, boyfriends, and girlfriends* (NCJ 167237). Washington, DC: Department of Justice, Bureau of Justice Statistics.
- Hall, D. (1998). Victims of stalking. In J. R. Meloy (Ed.), *The psychology of stalking. Clinical and forensic perspectives* (pp. 115-136). San Diego: Academic Press.
- Hart, B. (1988). Beyond the "duty to warn": A therapist's "duty to protect" battered women and children. In K. A. Yllo & M. Bograd (Eds.), *Feminist perspectives on wife abuse* (pp. 234-248). Newbury Park, CA: Sage.
- Kellerman, A. L., & Mercy, J. A. (1992). Men, women, and murder: Gender-specific difference in rates of fatal violence and victimization. *Journal of Trauma*, 33, 1-2.
- Klein, E., Campbell, J., Soler, E., & Ghez, M. (1997). *Ending domestic violence: Changing public perceptions/halting the epidemic*. Thousand Oaks, CA: Sage.
- Lingg, R. A. (1993). Stopping stalkers: A critical examination of anti-stalking statutes. *St. Johns Law Review*, 67, 347-381.
- McFarlane, J., Soeken, K., Campbell, J., Parker, B., Reel, S., & Silva, C. (1998). Severity of abuse to pregnant women and associated gun access of the perpetrator. *Public Health Nursing*, 15, 201-206.

- McFarlane, J., Willson, P., Lemmey, D., & Malecha, A. (in press). Outcomes of women filing assault charges against an intimate partner. *Violence Against Women*.
- Meloy, J. R. (1996). Stalking (obsessional following): A review of some preliminary studies. *Aggression and Violent Behavior, 1*, 147-162.
- Meloy, J. R. (1998). *The psychology of stalking: Clinical and forensic perspectives*. San Diego: Academic Press.
- Moracco, K., Runyan, C. W., & Butts, J. D. (1998). Femicide in North Carolina, 1991-1993: A statewide study of patterns and precursors. *Homicide Studies, 2*, 422-446.
- National Criminal Justice Association. (1993). *Project to develop a model anti-stalking code for states*. Washington, DC: Department of Justice, National Institutes of Justice.
- Office of Justice Programs. (1998). *Stalking and domestic violence: The third annual report to Congress under the Violence Against Women Act (NCJ 172204)*. Washington, DC: Department of Justice.
- Pathe, M., & Mullen, P. (1997). The impact of stalkers on their victims. *British Journal of Psychiatry, 170*, 12-17.
- Perez, C. (1993). When does obsession become a crime. *American Journal of Criminal Law, 20*, 263-280.
- Sheridan, D. (1998). *Measuring harassment of battered women: A nursing concern*. Unpublished doctoral dissertation, Oregon Health Sciences University, Portland.
- Smith, P. H., Moracco, K. E., & Butts, J. D. (1998). Partner homicide in context: A population-based perspective. *Homicide Studies, 2*, 400-421.
- Tjaden, P., & Thoennes, N. (1998). *Stalking in America: Findings from the National Violence Against Women survey (NCJ 169592)*. Washington, DC: Department of Justice, National Institute of Justice.
- Walker, L. E., & Meloy, J. R. (1998). Stalking and domestic violence. In J. R. Meloy (Ed.), *The psychology of stalking: Clinical and forensic perspectives* (pp. 139-160). San Diego: Academic Press.
- Wiist, W., & McFarlane, J. (1998). Severity of spousal and intimate partner abuse to pregnant Hispanic women. *Journal of Health Care for the Poor and Underserved, 9*, 248-261.

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**Manual for Law Enforcement Agencies:
Stalking and Sexual Assault
Within the
Context of Domestic Violence**

prepared by

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FORWARD

In 2005 the Office of Crime Victim Advocacy, in the then Department of Community, Trade and Economic Development, applied for and received federal grant funds to implement local and statewide response to sexual assault and stalking that occurs within the context of domestic violence. The Washington Association of Sheriffs and Police Chiefs (WASPC) was a participating member of a statewide coordinated community response team created to address policies, practice, laws, statewide training efforts and other issues involving the broader picture of sexual assault and stalking crimes in the context of domestic violence.

One of the identified goals of the response team was to adapt and/or develop screening tools to assess for sexual assault and stalking. In order for law enforcement and the prosecution to respond more effectively in these cases, WASPC, with input from the pilot locations: Mount Vernon Police Department, Clark County and Kitsap County Sheriff's Offices, and in conjunction with the Washington Coalition of Sexual Assault Programs (WCSAP) has developed a Manual for Law Enforcement: *Stalking and Sexual Assault in the Context of Domestic Violence* as a mechanism to provide information and resources to agencies for inclusion in current practice.

Program Coordinator Chris Fenno, and Program Manager Grace Call, from the Office of Crime Victim Advocacy, have been the project facilitators for this project. The focus of the project is one that needs attention by all parties who work with domestic violence, sexual assault and stalking victims. Research on the topic is limited and mostly dated. Much of what is presented has been gleaned from a small pool of resources. More of what is presented has been developed through current practice as the need has surfaced. Again, our thanks for the participating response team members and the many other individuals agencies which have been consulted.

Dawn Larsen, Director of Projects, and Teri Herold-Prayer, Research Program Assistant, for the Washington Association of Sheriffs and Police Chiefs, served as authors and developers of the materials in this manual. The hoped for outcome is that these materials will assist local law enforcement across the state in crafting a departmental response and training component to address the complex issues created when stalking and sexual assault are components in domestic violence cases.

Stalking and Sexual Assault within the Context of Domestic Violence

Guide for Law Enforcement Agencies

The last three reports of the Washington State Domestic Violence Fatality Review (2000, 2002, and 2004), have demonstrated the high correlation between stalking and murder and local cases of domestic violence. In an article published by National Institute of Justice (NIJ) in 1998 entitled, “*Stalking in America*”, 81% of women stalked by a current or former intimate partner is also physically assaulted by that partner. 31% of women stalked by a current or former intimate partner are also sexually assaulted by that partner. Another article, “*Stalking and Intimate Partner Femicide*”, published in 1999 in Homicide Studies (found in training manual), states that 76% of intimate partner female murder victims in the study had been stalked by their partners and 54% reported stalking to the police before they were murdered.

SCOPE OF PROJECT

Provide information to law enforcement agencies to guide their implementation of model law enforcement protocols and procedures to identify and investigate stalking and sexual assault within domestic violence cases.

Problem Statement:

Domestic violence, sexual assault and stalking intersect in ways that can greatly increase the risk of serious harm for victims of domestic violence. As domestic violence is a crime that differs from other crimes because of the intimate relationship between the victim and offender, law enforcement officers are often required to provide victims with additional assistance to ensure the safety of that person.

In addition, research shows that a majority of women who are raped by their partners are also battered. Women who are battered are at greater risk of being raped by their partners. Women are at particularly high risk of experiencing physical and sexual violence when they attempt to leave their partners.

It has been well-documented in studies of violence against women that rape is a largely underreported crime. Survivors of marital rape have a particularly difficult time reporting their experiences of sexual violence. Primarily, this is the result of

public perception of marital rape in this culture and the woman's relationship with her assailant. Women raped by their husbands or partners may hesitate to report because of family loyalty, fear of their abuser's retribution, fear that they will not be believed, or an inability to leave the relationship. In addition, domestic violence victims may not know that marital rape is against the law. A final compelling reason for women's under-reporting is that many do not define their experiences of forced sex in marriage as rape. They experience the rape as just another part of a domestic violence situation not as a separate component.

Arrests alone will not stop stalking and sexual assault within domestic violence cases. A community-wide, coordinated response must be in place. Response from law enforcement, prosecution and victim service agencies has been fragmented as each sector works within their own policies and procedures. While they all hold a common goal – safety for victims of domestic violence – no avenue for sharing techniques and ideas has been available. Adapting and developing screening tools to assess for sexual assault and stalking will enable both law enforcement and prosecution to respond more effectively to domestic violence and will help ensure safety for the victims.

Law Enforcement Response to Violence Against Women:

Law enforcement represents the entry point to the criminal justice system for a substantial number of victims and perpetrators. Agency training, policies and protocols can support consistent and effective police intervention in both misdemeanor and felony offenses, while connecting victims with community services and support.

Proactive and aggressive police response can deter further violence and ultimately save lives. Increasingly, law enforcement agencies are promoting early intervention in domestic violence and stalking cases to protect victims before more injuries occur. Officers are being trained to thoroughly investigate sexual assault cases, while being sensitive to the vulnerabilities of victims. Timely and responsive law enforcement intervention can increase victim safety, enhance investigations, and facilitate successful prosecution.

Law Enforcement Intervention includes the following elements:

- Dispatcher Response
- Initial Officer Response
- Follow-up Investigator Response
- Supervisor Response
- Data Collection and Communication
- Management Response

Policy and Procedure Guidelines:

Each agency should have approved policy and procedures for domestic violence investigations that include questions to ascertain whether or not stalking or sexual assault is a component. Examples are identified later in this document and included in the training manual. The guideline should include:

- Definitions,
- Problem statement,
- Policy statement,
- Procedures for investigation,
- Applicable RCW's including mandatory arrest information, and
- Resource and Referral information for crime victims.

Recommendations for Police Management and Training:

1. Expand existing domestic violence protocols to include identifying and responding, as necessary, to intimate partner sexual violence and/or stalking.
2. Build a collaborative network with victim serving agencies for domestic violence, sexual assault and stalking.
3. Ensure all officers receive domestic violence response training to include intimate partner sexual assault and stalking.
4. Educate the community, when possible, regarding the reality of intimate partner sexual assault and stalking.
5. Design information technologies to allow for tracking and cross-referencing for victims of stalking.

Purpose of Protocols

Community specific protocols should be designed to achieve the following:

- Promote a strategic approach that encourages early intervention.
- Broadly define the roles of officers in functional areas including patrol, 911 operators, detectives and community relations.
- Present guidelines for developing and participating in a coordinated community response in stalking and sexual assault within domestic violence cases.
- Encourage the use of collaborative problem-solving techniques among various responding agencies.
- Define appropriate threat assessment techniques.
- Reflect an understanding of victims hardships and fears, and

- Focus on holding abusers accountable for their acts of intimidation and violence.

Community Collaboration:

As stated above, connecting domestic violence victims to community resources is vital to their continued safety and safety planning. It can also lead to their healing process and being able to move forward. Law enforcement should work collaboratively with the local domestic violence center and sexual assault program. Law enforcement needs to know how to make referrals to each of these programs, have resource materials to give to victims, and what services are provided.

In addition, protocols need to be in place with the community based programs and Children's Protective Services if children are involved in any way. Law enforcement should include the following information and documents in a victim packet to be given to crime victims during or after an investigation. Examples of these documents are included in the training manual under resources.

1. Referral protocol and information including:

- On-scene assistance to victim and dependents,
- Victim's Rights Statement,
- Safety plan,
- Community services resource information, and
- Statewide Automated Victim Information and Notification program (SAVIN)

2. Protective order information including:

- Mandatory arrest provisions for each type of order,
- How and where to get a protection order, and
- Dispatch priorities.

In collaboration with other victim serving agencies in the community, law enforcement personnel should be actively engaged in a case review process particularly for cases involving homicides and/or impacted children. Establishing a case review team will assist in the development of necessary protocols, prioritizing, community education, and ensuring a full spectrum of victim services.

TRAINING OUTLINE

Definitions and RCWs:

RCW 10.99.020 (5) Domestic Violence

“Domestic violence is a pattern of behaviors including, but not limited to the following crimes when committed by one family or household member against another: reckless endangerment, coercion, harassment, malicious mischief, stalking, kidnapping, criminal trespass, rape, burglary, or unlawful imprisonment.”

RCW 26.50.010 – Domestic Violence

- a. Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;
- b. Sexual assault of one family or household member by another; or
- c. Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

The United States Code defines Domestic Violence under Title 18, Sections 921(a) (33):

A person who has been convicted in any court of a misdemeanor crime of domestic violence which has an element for the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian or by a person similarly situated to a spouse, parent or guardian of the victim.

Stalking

“A crime involving repeat victimization of a targeted individual by the perpetrator – it is by its very nature, a series of acts rather than a single incident. Second, it is partly defined by its impact on the victim” (*Creating an Effective Stalking Protocol*. National Center for Victims of Crime April 2002).¹

¹ *Creating an Effective Stalking Protocol*. National Center for Victims of Crime April 2002.
www.cops.usdoj.gov/ric/ResourceDetail.aspx?RID=45

RCW 9A.46.110 – Stalking

A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

- a. He or she intentionally and repeatedly harasses or repeatedly follows another person; and
- b. The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and
- c. The stalker either:
 - Intends to frighten, intimidate, or harass the person; or
 - Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

The NIJ (National Criminal Justice Association, *Project to Develop a Model Anti-Stalking Code for States*, Washington, D.C., U.S. Department of Justice, National Institute of Justice, October 1993,)² has defined stalking to mean:

1. The model code defines stalking as a “course of conduct” directed at a specific person that involves repeated visual or physical proximity, verbal or written threats, threats implied by conduct, or a combination thereof, that would cause a reasonable person to fear for herself or himself or a member of her or his immediate family. It usually is not necessary to prove that the suspect had the intent to actually carry out the threat.
2. “Repeated” means on two or more occasions.
3. “Immediate family” means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who within the prior six months regularly resided in the household.
4. The model code does not require stalkers to make a credible threat of violence against victims, but it does require victims to feel a high level of fear (“fear of bodily harm”).
5. The criminal intent to commit stalking is measure by the model code by examining:
 - (a) Intent to engage is a course of conduct involving repeated following or threatening an individual.
 - (b) Knowledge that this behavior reasonably causes fear of bodily injury or death.

² National Criminal Justice Association, *Project to Develop a Model Anti-Stalking Code for States*, Washington, D.C., U.S. Department of Justice, National Institute of Justice, October 1993

- (c) Knowledge (or expectation) that the specific victim would have a reasonable fear of bodily injury or death.
- (d) Actual fear of death or bodily injury experienced by a victim. Fear of death or bodily injury felt by members of the victim's immediate family.

RCW 70.125.020 (7) Sexual Assault

(7) "Sexual assault" means one or more of the following:

- (a) Rape or rape of a child;
- (b) Assault with intent to commit rape or rape of a child;
- (c) Incest or indecent liberties;
- (d) Child molestation;
- (e) Sexual misconduct with a minor;
- (f) Custodial sexual misconduct;
- (g) Crimes with a sexual motivation; or
- (h) An attempt to commit any of the aforementioned offenses “

The Washington Office of Crime Victims Advocacy (OCVA) defines sexual assault to include:

...child sexual abuse, rape, attempted rape, incest, exhibitionism, voyeurism, obscene phone calls, fondling, and sexual harassment. There is a range of nonconsensual sexual acts that create a continuum in which each form of sexual assault is linked to the others by their root causes, as well as by the effects they have on individuals and communities. While sexual assault can take many forms, it is important to remember that the loss of power and control that a victim of sexual assault experiences is a common thread.

RCW 9A.44.040 – Rape in the first degree

A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory:

- a. Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or
- b. Kidnaps the victim; or
- c. Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or
- d. Feloniously enters into the building or vehicle where the victim is situated.

RCW 9A.44.050 – Rape in the second degree

A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

- a. By forcible compulsion;
- b. when the victim is incapable of consent by reason of being physically helpless or mentally incapacitated.

RCW 9A.44.060 – Rape in the third degree

A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person, not married to the perpetrator.

- a. Where the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's word or conduct, or
- b. Where there is threat of substantial unlawful harm to property rights of the victim.

The United States Code, Title 18, Chapter 109A, Sections 2241 – 2233, includes two types of sexual assault:

- Sexual abuse includes acts in which an individual is forced to engage in sexual activity by use of threats or other fear tactics, or instances in which an individual is physically unable to decline.
- Aggravated sexual abuse occurs when an individual is forced to submit to sexual acts by use of physical force; threats of death, injury, or kidnapping; or substances that render that individual unconscious or impaired.

The national crime data are generally limited by both the definition of sexual assault and survey methodology. The FBI's Uniform Crime Report (UCR) provides information only about "rapes" reported to police, based on a narrow definition of rape; it defines rape as "the carnal knowledge of a female, forcibly and against her will." It included only forcible rapes of females involving penile/vaginal penetration and excluded male and spousal victims as well as forms of sexual penetrations and incapacitation by means other than force. The National Crime Victimization Survey (NCVS) takes a broader approach and looks

at sexual assault, but only included individuals over the age of 12 (Susan H. Lewis, Ph.D. 2003).³

Training Elements: Stalking and Sexual Assault within the Context of Domestic Violence

Stalking within Domestic Violence

To aid in the investigation and prosecution of stalking cases early recognition of potential stalking on behalf of first responder is critical. First responders should take whatever steps reasonably necessary to protect the victim. Moreover, they must recognize that not all stalkers are the same, nor are they predictable. However, it is generally agreed that the *domestic violence* stalker may pose the highest risk of all. The stalker is usually a male. In intimate relationships the stalking frequently begins before a breakup.

Elements of Stalking in a Domestic Violence Case:

Any time a victim reports any type of harassing, threatening, or menacing behavior or domestic violence, the responding officer should be thinking about the possibility of stalking. Stalking is an ingredient in domestic violence of all kinds. Numerous criminal justice experts advise that every domestic violence case should be treated as a potential stalking case.

The first responder should ask if there have been any prior police reports made and in what jurisdictions. Then follow-up with pertinent questions regarding sexual assault and/or stalking.

Stalking behaviors are usually an escalating series of actions and incidents:

- a. Threats made to the victim (direct, veiled, or conditional).
- b. Violation of any protective order by visits to the victim's home or any other location frequented by the victim.
- c. Vandalism or theft of the victim's property, home, vehicle, workplace, or vandalism to the property, etc., of any friend or family member who help her, especially by allowing her to stay at their home.
- d. Vandalism affecting the security of the victim's home.
- e. Disabling the victim's vehicles.
- f. Transferring the victim's phone line to another line in order to monitor messages, disabling the phone or planting listening devices in the victim's home.

³ Lewis, Susan H. *Unspoken Crimes: Sexual Assault in Rural America*, National Sexual Violence Resource Center – A Project of the Pennsylvania Coalition Against Rape. 2003. http://www.nsvrc.org/_cms/fileUpload/rural.pdf

- g. Filing “change of address” forms at the post office under the victim’s name in order to “intercept” the victim’s mail.
- h. Harassing or threatening the victim by use of computers and the Internet.

Investigation of a Stalking Case:

Evidence collection is an essential part of the investigation in order to establish corroboration of the stalking conduct. Three basic questions an investigator must answer while conducting any stalking investigation or threat assessment are:

1. Who is the suspect?
2. What risks of violence does the suspect pose to the victim?
3. How does the investigator manage the suspect and dangers posed to the victim?

Each law enforcement agency should develop an investigation protocol for stalking cases that include the risk to victims in domestic violence situations. Refer to the National Center for Victims of Crime, *Creating an Effective Stalking Protocol*, April 2002, for stalking protocol procedures for law enforcement, and emergency responders. The report includes: graduated response, evidence collection, stalker assessment, threat assessment, suspect information, victim information, questions to consider in assessing threats, questions regarding any history of violence/use of force by the stalker, questions regarding weapons, escalation, and necessary points to address in advising the victim. A copy of the *Summary of Creating an Effective Stalking Protocol* is included in the training manual.

Law enforcement and other first responders should provide victims with resource information to the local domestic violence program which will assist in addressing the issues related to stalking.

Sexual Assault within Domestic Violence

Positive police response can legitimize a woman’s experiences of sexual violence and is extremely important in helping women find resources to begin healing. In 1980 the “*marital rape*” law was passed in Washington State. The law removed the marital exemption for rape in the first and second degrees. The marital exemption, which means the offender is someone married to the victim and therefore cannot be charged, is still in place for rape in the third degree in this state. Law enforcement agencies should include questions in domestic violence investigations that would ascertain the inclusion of sexual assault in such situations. In some cases, this might lead to the filing of additional felony charges.

Elements of Sexual Assault in a Domestic Violence Case:

Domestic violence is a life-threatening crime for most victims. Obviously, when investigating a domestic violence call, the initial focus is on the health and safety of the victim. If the situation allows for more in-depth questions, either at the scene or later, questions regarding sexual assault should be incorporated into the investigation.

All domestic violence investigation protocols should include sensitive questions to assess whether or not sexual violence is also occurring. Many times sexual violence may be present, even if not during the most recent event. However, if there is reason to believe that rape, or attempted rape is part of a domestic violence scenario, further investigation may result in multiple charges and extended sentences. If nothing else, asking the questions not only defines and names the violence, it can normalize the experience for the victim and provide her other resources for healing and support, now or in the future.

Rape in the first and second degrees are crimes that can happen in marital and intimate partner relationships. Although rape in the third degree is not defined as a crime between married persons, the trauma and effects of the crime are the same for the victim, married or not. Rape in the third degree can be charged in domestic partner and other intimate partner relationships. Sexual assault victim advocates can assist victims to understand the law without nullifying the experience. Married women who experience rape in their relationship may initially need to address the on-going physical violence without further focus on the sexual assault. However, once victims are out of a violent environment, the effects of a sexual assault by someone they loved can be traumatizing and they may need additional resources to address the ramifications.

Law enforcement officers and other first responders should provide resource information to victims to the local sexual assault resource center.

Sexual Assault Investigation:

Because intimate relationships are sensitive areas, it is important that law enforcement officers be trained to ask difficult questions in a respectful way. Below are simple examples of ways to ask questions to determine whether sexual assault is an element in a domestic violence case. Asking these kinds of questions should be included in agency domestic violence investigation protocol. As an example the Clark County protocol is included in the training manual.

Also included is a short guide to assess for sexual assault within domestic violence. A key point in the guide is for law enforcement officers to know what they will do if the victim provides information that indicates a sexual assault. The guide provides additional screening questions for follow-up as necessary.

Reviews of the definitions of Washington State's rape laws that may be applicable in domestic violence cases are presented. The laws are followed by possible questions that victims of domestic violence should be asked during an investigation. These questions would follow initial questions regarding a domestic violence episode.

RCW 9A.44.040 - Rape in the First Degree:

A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory:

- a. Uses or threatens to use a deadly weapon or what appears to be a deadly weapon.*
- b. Kidnaps the victim.*
- c. Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious.*
- d. Feloniously enters into the building or vehicle where the victim is situated.*

Potential questions and responses:

Did your partner use or threaten to use a weapon or physically injure you to force you to have sex?

Has your partner ever used or threatened to use a weapon to force you to have sex in the past?

If yes:

Investigator: I am sorry to say that is not unusual in domestic violence situations. *Follow up investigative questions as needed.* You should receive medical care to ensure any injury is attended to. I would also suggest a rape exam to gather evidence and to check for internal injuries. You may want to call the sexual assault program for assistance. Here is their contact information.

Investigator: I am sorry to say that is not unusual in domestic violence situations. Were you ever injured? Did you seek medical attention? Was a rape exam completed? *Follow up as necessary.* Here is a resource, the local sexual assault program. You may want to call them sometime when you are in a safe place, just to get more information and/or support. Here is their contact information.

RCW 9A.44.050 - Rape in the second degree:

A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

- a. By forcible compulsion.
- b. When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated.

Potential questions and responses:

Did your partner force you to have sex against your will?

Has your partner ever threatened to hurt you, a family member, your pet, or destroy your property to force you to have sex in the past?

If yes:

Investigator: I am sorry to say that is not unusual in domestic violence situations. *A definition of what you are asking may be needed - threaten to hurt you, other family member, pet, or destroy property. Follow up investigative questions as needed.* You should receive medical care to ensure any injury is attended to. I would also suggest a rape exam to gather evidence and to check for internal injuries. You may want to call the sexual assault program for assistance. Here is their contact information.

Investigator: I am sorry to say that is not unusual in domestic violence situations. Were you ever injured? Did you seek medical attention? Was a rape exam completed? *Follow up as necessary.* Here is a resource, the local sexual assault program. You may want to call them sometime when you are in a safe place, just to get more information and/or support. Here is their contact information.

RCW 9A.44.060 - Rape in the third degree:

A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person, not married to the perpetrator:

- a. *Where the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's word or conduct.*

- b. *Where there is threat of substantial unlawful harm to property rights of the victim.*

Potential questions and responses:

Did your partner insist on sexual intercourse even without your consent or willingness?

If yes:

Investigator: I am sorry to say that is not unusual in domestic violence situations. How did you let him/her know you were unwilling? You should not be forced to have sex without your consent.

Investigator: Are you married to the person who physically hurt you?

If yes:

Investigator: The law limits rape in the third degree to those people who are not married to one another. However, even though this is not covered in the law, it doesn't mean that you didn't have the right to say no. When you are in a safe place you may want to call your local sexual assault program at some point to talk about this. Here is their contact information.

In each of these scenarios there is the possibility of more than one crime being investigated. It is important that as much initial detail be collected as possible. Domestic violence, stalking and sexual assault victims have community-based advocates available to them. Making those referrals early in the process, not only provides needed support to the victim, but result in increasing your ability to move the case forward.

CONCLUSION

Far too often these situations are a combination of domestic violence, sexual assault and/or stalking. Law enforcement plays a key role in investigating and identifying exactly how many crimes were committed. Therefore it is imperative that law enforcement be trained on and adhere to protocols that will ascertain the scope of the situation to gather the necessary information. Law enforcement actions lead to vitally important functions such as victim safety and access to appropriate services for victims, enhanced investigations and potentially additional and more accurate charges and convictions.

Asking basic questions about stalking behavior and forced or unwanted sex in domestic violence interviews will result in additional charges. One of the pilot projects is already seeing results when the investigation includes the "forced sex"

question on the victim statement. They are having great success in getting pleas from these offenders. In one case the suspect had at least seven prior victims.

The goal to achieve more effective investigation procedures and increased prosecutions is easily met by providing information and training to officers who respond to domestic violence calls. It is the hope of the authors and developers of this material, and all the project partners, that this training manual will be useful in expanding the scope to understanding stalking and sexual assault in the context of domestic violence.

Other Resources

Creating an Effective Stalking Protocol. National Center for Victims of Crime April 2002. www.cops.usdoj.gov/ric/ResourceDetail.aspx?RID=45

Intimate Partner Sexual Violence: Sexual Assault in the Context of Domestic Violence. Washington Coalition of Sexual Assault Programs. www.wcsap.org

Know the Truth about Intimate Partner Sexual Violence brochure. Washington Coalition of Sexual Assault Programs. www.wcsap.org

Lewis, Susan H. *Unspoken Crimes: Sexual Assault in Rural America*, National Sexual Violence Resource Center – A Project of the Pennsylvania Coalition Against Rape. 2003. www.nsvrc.org/cms/fileUpload/rural.pdf

McFarlane, et al. (1999). "Stalking and Intimate Partner Femicide." *Homicide Studies*, 3 (4), Sage Publications, Inc.

Problem-Specific Guides Series No. 22- Stalking. Problem-Oriented Guides for Police, U.S. Department of Justice, Office of Community Oriented Policing Service. www.cops.usdoj.gov.

Protocol for Law Enforcement Response to DV. Washington State Coalition Against Domestic Violence. www.wscadv.org

The Model Stalking Code, Revisited: Responding to the New Realities of Stalking. National Center for Victims of Crime. www.ncvc.org

Washington Violence Against Women Network (WAVAW). www.wavawnet.org

CD and paper copy of the – 2009 Intimate Partner Sexual Violence & Stalking Training Guide PowerPoint located in the Appendix of the Training Manual.

IPSV

A Publication of Washington Coalition of Sexual Assault Programs

Intimate Partner Sexual Violence

SEXUAL ASSAULT IN THE CONTEXT OF DOMESTIC VIOLENCE

Second Edition



Considering the Differences:
Intimate Partner Sexual Violence
in Sexual Assault and Domestic
Violence Discourse

Advice for Criminal Justice Staff
and/or Advocates to Aid
IPSV Survivors

Making the Connections:
Advocating for Survivors of
Intimate Partner Sexual Violence

Making Marital Rape A Crime:
A Long Road Traveled,
A Long Way to Go

Prosecuting Intimate Partner
Sexual Assault

A Guide for Developing Tools
to Assess for Sexual Assault
Within the Context of
Domestic Violence


Successfully Investigating IPSV:
Considerations for
Law Enforcement



Intimate Partner Sexual Violence

Intimate Partner Sexual Violence (IPSV) is a comprehensive term that includes not only marital rape, but all other forms of sexual assault that take place within a current or former intimate relationship, whether the partners are married or not. Sometimes referred to as “sexual assault within the context of domestic violence,” IPSV is a complicated, heart-wrenching form of abuse that has often been overlooked by the general public, law enforcement, and human service providers. IPSV is at the intersection of domestic and sexual violence, and is now the focus of attention of programs in both of those movements.

In Washington State, the Office of Crime Victims Advocacy (OCVA), established in 1990, provides recognition of and response to the needs of crime victims. In 2005, OCVA began coordinating a multi-agency initiative under the auspices of the federal Grants to Encourage Arrest Policies and Enforcement of Protection Orders program, targeting sexual assault and stalking within the context of domestic violence. Initially working with victim service agencies, prosecutors, and law enforcement agencies in four Washington counties, OCVA expanded the project to include statewide resources as well as the National Stalking Center. The goal is to provide a more vigorous and effectively coordinated response from the criminal justice system and agencies working with survivors in order to ensure that IPSV is treated as the serious and pervasive problem it is.

This publication was developed in the context of the innovative statewide and national approach to IPSV that is emerging from the collaborative work of project partners. First published as an edition of the Washington Coalition of Sexual Assault Programs' quarterly newsletter, *Connections* (edited by Kathleen Arledge), this compilation of articles represents a wide spectrum of information and practical advice for assessment, intervention, and systems change. Thanks to the Washington Association of Sheriffs and Police Chiefs for their support of this project. 

- ▷ IPSV is both sexual assault and domestic violence.
- ▷ Survivors often have difficulty identifying this form of sexual violence as a crime, and they have special needs for assistance and recovery.
- ▷ IPSV often occurs repeatedly within a relationship.
- ▷ Sexual assault is common within violent relationships.
- ▷ IPSV affects people of all ages, ethnicities, sexual orientations and gender identities.
- ▷ IPSV has been overlooked by the criminal justice system until recent years.
- ▷ Specialized knowledge of IPSV will help criminal justice and human services professionals to assist survivors and to hold offenders legally responsible.

Intimate Partner Sexual Violence

SEXUAL ASSAULT IN THE CONTEXT OF DOMESTIC VIOLENCE

Second Edition | Revised Summer 2009



Washington Coalition of
Sexual Assault Programs

IPSV
Intimate Partner
Sexual Violence

*The Mission of the
Washington Coalition
of Sexual Assault
Programs is to unite
agencies engaged in
the elimination of
sexual violence
through education,
advocacy, victim
services and
social change.*

For membership information
and to view articles online
visit: www.wcsap.org

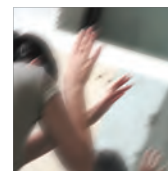
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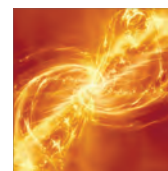
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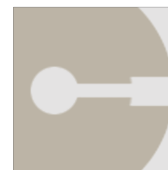
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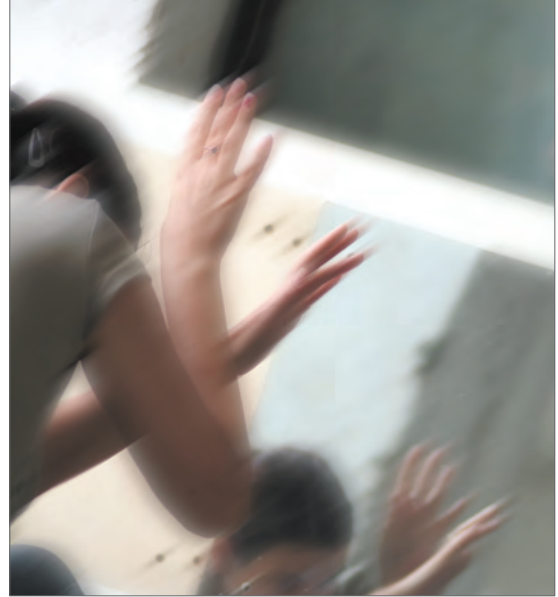
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Considering the Differences: Intimate Partner Sexual Violence in Sexual Assault and Domestic Violence Discourse

Louise McOrmond-Plummer

Louise McOrmond-Plummer is co-author of the book *Real Rape, Real Pain: Help for Women Sexually Assaulted by Male Partners*. She maintains the IPSV survivor support website Aphrodite Wounded (www.aphroditewounded.org) and is a co-moderator of Pandora's Aquarium (www.pandys.org), a thriving message board for survivors of sexual assault including IPSV. Louise has an Associate Diploma in Welfare Studies (La Trobe University, Victoria, Australia).



▼ In rape and domestic violence literature, as well as within agencies, Intimate Partner Sexual Violence (IPSV) and the range of issues it carries as distinct from general sexual assault or domestic violence, was not well-defined. It was as if there was a hole in the knowledge; my experiences had only limited commonality.

Twenty years ago, I became free of a dangerous man. He beat me regularly, threatened me with weapons and pursued me with threats to my life when I sought to leave. Although I could never have given it a name at the time, he had other ways of subjugating and demeaning me too. He raped me, repeatedly, when his sense of ownership of me was threatened, to punish me, or just because I presumed the right to say “no.” At the time, avoiding or surviving the battery was a priority; I figured that what happened in the bedroom was best forgotten as soon as possible.

I got away, I tried to bury myself in a new life and forget. Then my ex-partner was charged with murder, and the barricade began to crumble. Most disconcertingly, memories of the rapes bothered me. It occurred to me that it was different, worse, somehow than the battery. I decided to seek information that could help me begin to process it.

This was immensely frustrating. In rape and domestic violence literature, as well as within agencies, Intimate Partner Sexual Violence (IPSV) and the range of issues it carries as distinct from general sexual assault or domestic violence, was not well-defined. It was as if there was a hole in the knowledge; my experiences had only limited commonality. It left me feeling as if what happened to me was given lip-service as rape, but somehow “less” rape than any other kind. I believed that my level of trauma must be an overreaction, and was embarrassed about putting it on a par with the rapes of other women.

Upon entering the university setting, I had the opportunity to study IPSV. I discovered that researchers were indeed drawing attention to the issue, pointing out the need to be aware of the specific dynamics of intimate partner sexual violence (Finkelhor & Yllo, 1985; Russell, 1990). Since that time, further positive contributions to understanding have been made. It is thus a privilege to have co-authored the book *Real Rape, Real Pain* with Dr. Patricia Easta.

◀ It didn't occur to me at the time that "different" didn't mean "less than."

Problems with Equating IPSV and General Sexual Assault Issues

It is true that all types of rape are traumatic, and that in any context, rape should be seen as rape. But known wisdoms about sexual assault are often ill-suited to IPSV survivors. Finkelhor and Yllo (1985) write about the "special traumas" of IPSV and tell us, "It is these special traumas that we need to understand in their full and terrible reality." Survivor Linda articulates:

And they say marital rape is not as bad as stranger rape. I don't know. I have never been raped by a stranger. But I think being raped by your husband in your own home must be worse in some ways. At least if you're attacked by a perfect stranger it is not so personal. Your husband is the person whom you should be able to turn to for comfort, who should protect you. When it is the person you have entrusted your life to who abuses you, it isn't just physical or sexual assault, it is a betrayal of the very core of your marriage or your person, your trust. If you're not safe in your own home, next to your husband, where are you safe? (Easteal & McOrmond-Plummer, 2006, p. 138)

Raquel Bergen (1996) writes about the insufficiency of treating IPSV survivors as generic rape survivors with particular regard to counseling and support groups. This is borne out in my own experience of membership in a generic rape survivor group. There simply wasn't the space to explore my specific issues such as ambivalent feelings for the perpetrator and the deep shame of having continued the relationship after being raped by him. This led to a deeper sense of isolation and sense that my experiences didn't matter quite as much as those of the other women. It didn't occur to me at the time that "different" didn't mean "less than."

Below are just some of the issues common to IPSV victims/survivors as opposed to other rape survivors:

- **Longer-lasting trauma:** There's a common notion that IPSV doesn't have as bad an impact as sexual assault by a stranger. In fact, research reveals that the trauma can be longer lasting. Significant reasons for this are lack of recognition and ability to share the pain (Finkelhor & Yllo, 1985).
- **Higher levels of physical injury:** If we accept that generally most rapes are not physically violent, those that do involve injury are likely to be partner

rapes (Myhill & Allen, 2002).

- **The incidence of multiple rape:** Although IPSV can be one offense, survivors of IPSV suffer the highest frequency of multiple rape (Myhill & Allen, 2002).
- **Higher levels of anal and oral rape:** Partner perpetrators commonly use these forms of assault to humiliate, punish and take 'full' ownership of their partners (Finkelhor & Yllo, 1985).
- **Advice to "put up with" rape:** Marital rape victims are a group singularly prone to being advised by church, family or friends that they should be grateful that the rapist is a good father, and that it's their duty to submit (Adams, 1995). It's hard to imagine any other class of rape victim being given this advice, and is what leads to further endangerment.
- **Financial dependency on the rapist:** Women with children who are permitted no money or employment of their own may feel that there is no escape.
- **Safety issues:** The IPSV survivor may need a place of refuge, court-orders and assistance with legal/custody matters.
- **Difficulty defining the act(s) as sexual assault:** Women are socialized to see rape as involving non-consensual sex between two strangers. Additionally, there may be reluctance to define a partner she loves as a "rapist."
- **A general climate of sexual assault/abuse:** Women living with IPSV may face a host of other behaviors than rape that would not be acceptable if committed by strangers, such as their breasts being hurt, being forced to touch the perpetrator sexually, and degrading name calling (Easteal & McOrmond-Plummer, 2006).

Problems with Equating IPSV and General Domestic Violence Issues

There has been a past trend in domestic violence discourse to view IPSV as simply another abuse. Yet, Bergen's study reveals that women who were battered as well as raped by their partners considered rape to be the most significant issue. She adds that, "When treated as battered women, the wounds left by the sexual abuse often go unaddressed" (Bergen, 1996, p. 89). To be sure, all domestic violence, be it physical, emotional, sexual or otherwise is usually aimed at control and subjugation. But sexual assault attacks a woman's psyche in different ways. In my experience,

the battery was aimed at getting me to do what I was told or hurting me for not doing so, but the rape had a far nastier and more contemptuous message about my lack of worth and power. My rapist intended it as an ultimate insult, and that is how I experienced it. While I was ashamed of being battered – certainly in terms of the blame it accrued from others – the shame of being raped was more deeply excoriating; I did not think I would ever tell anybody.

Another serious problem in subsuming IPSV under domestic violence is that it may foster the assumption that rape only happens in battering relationships. While this is statistically more likely (Russell, 1990), it does also occur in relationships that are not characterized by other violence. Natalie says, “There was absolutely no indication in the seven years of our relationship that he could be violent, and I know he adored me. I simply couldn’t reconcile the Sean who attacked me with the Sean that I had known all those years” (Easteal & McOrmond-Plummer, 2006, p. 111). Numerous women have written to me through my website (www.aphroditewounded.org) with apologetic tones because their partners didn’t beat them “like so many other women.” Yet women shouldn’t need to be beaten to feel that their pain around being raped is valid. Women who don’t identify as domestic violence victims because they aren’t being hit, or whose sexual assaults are more coercive than physically violent (i.e. the perpetrator withdraws affection or verbally badgers to get what he wants), may continue to fall through the cracks when IPSV is not clearly defined and given a prominence of its own. Let’s look at some differences:

- **Potential Fatality:** Research establishes that women who are being raped as well as battered are in greater danger of being killed than women who are battered but not raped (Browne, 1987; Campbell, 1989). Given the dynamics of ultimate power-over and ownership in IPSV, this would seem to be a logical step for some batterers. Screening women for life-threatening issues is an important part of shelter intake; viewing IPSV in this light may save lives.
- **Deliberately Inflicted Pregnancy or STDs:** Men may rape to impregnate their partners in order to force them to remain in or return to the relationship (Easteal & McOrmond-Plummer, 2006). They may also force their partners into unprotected sex to infect them with sexually transmitted diseases (Wilson, 1997).
- **Psychological Effects:** Women who have been raped as well as battered may suffer greater damage to



◀ All domestic violence, be it physical, emotional, sexual or otherwise is usually aimed at control and subjugation. But sexual assault attacks a woman’s psyche in different ways.

self-esteem and body issues – and this effect has been measured as separable from battery (Shields & Hanneke (1983). This should shock us little since the degradation has come from somebody who was supposed to love and honor the survivor’s body. Rape can result in a more “intimate” wound than battery.

Different Issues among Subgroups of IPSV Survivors

In thinking about the distinct issues that IPSV survivors face, we should not neglect determinant factors that may have bearing on different IPSV survivors’ reactions. Some factors to consider are:

- the age of the survivor (teenage survivors of IPSV experience some different effects to their adult counterparts)
- the levels of violence involved (bearing in mind that “non-violent” rape is still traumatic and may be more confusing to the victim than rape that involves the more “stereotypical” element of violence)
- the duration and frequency of the assaults (acknowledging that one rape is one too many and can comprise a profound shock) (Easteal & McOrmond-Plummer, 2006)

To Conclude

IPSV is sexual assault and domestic violence – “both/and” rather than “either/or” - with some distinct features, the recognition of which are crucial if survivors are to be aided effectively. Extremely positive endeavors to this end include Raquel Bergen’s extensive writing and training, together with initiatives such as the Washington Coalition of Sexual Assault Programs (WCSAP) Sexual Assault and Stalking in the Context of Domestic Violence project, a collaborative project which brings together domestic and sexual violence advocates, law enforcement and prosecutors to address the intersections of sexual assault and domestic violence, and trains helping professionals in advocacy for survivors of IPSV (www.wcsap.org/ipsv.htm). For me, being “part of the solution” in coauthoring *Real Rape, Real Pain*, a healing manual that focuses on the issues relevant to IPSV survivors (www.partnerrapebook.org), has been immensely gratifying but also humbling when women write to Patricia and me expressing relief that they finally feel heard and understood, that they know they can end the violence, and that they can take back their lives. It is an honor to be part of this change. We can all hope for its continuance. Women’s lives depend on it. ●

◀ Women who don’t identify as domestic violence victims because they aren’t being hit, or whose sexual assaults are more coercive than physically violent (i.e. the perpetrator withdraws affection or verbally badgers to get what he wants), may continue to fall through the cracks when IPSV is not clearly defined and given a prominence of its own.

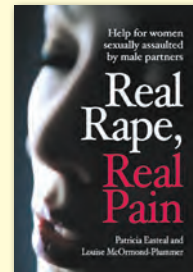
References

- Adams, C. (1995). “I just raped my wife! What are you going to do about it, Pastor?” The church and sexual violence. In E. Buchwald, P. Fletcher & M. Roth (Eds.), *Transforming a rape culture*. Minneapolis: Milkweed Editions.
- Bergen, R. (1996). *Wife rape: Understanding the response of survivors and service providers*. Thousand Oaks, CA: Sage.
- Browne, A. (1987). *When battered women kill*. New York: The Free Press.
- Campbell, J. (1989). Women’s responses to sexual abuse in intimate relationships. *Health Care For Women International*, 10, 335-346.
- Easteal, P., & McOrmond-Plummer, L. (2006). *Real rape, real pain: Help for women sexually assaulted by male partners*. Melbourne: Hybrid Publishers.
- Finkelhor, D. & Yllo, K. (1985). *License to rape: Sexual abuse of wives*. New York: The Free Press.
- Shields, N., & Hanneke, C. (1983). Battered wives’ reactions to marital rape. In R. Gelles, G. Hotaling, M. Straus, & D. Finkelhor (Eds.), *The dark side of families: Current family violence research*. Thousand Oaks, CA: Sage Publications, Inc.
- Myhill, A., & Allen, J. (2002). Rape and sexual assault of women: Findings from the British Crime Survey. <http://www.homeoffice.gov.uk/rds/pdfs2/r159.pdf>
- Russell, D. (1990). *Rape in marriage*. Bloomington: Indiana University Press.
- Wilson, K. (1997). *When violence begins at home: A comprehensive guide to understanding and ending domestic abuse*. Alameda, CA: Hunter House.

Advice for Criminal Justice Staff and/or Advocates to Aid IPSV Survivors

Patricia Easteal

Aside from co-authoring *Real Rape, Real Pain*, Dr Patricia Easteal, an expatriate North American, has written books (e.g. *Voices of the Survivors*, *Killing the Beloved*, *Balancing the Scales: Rape, Law Reform & Australian Culture*, *Less Than Equal: Women and the Australian Legal System*) and numerous articles on sexual assault and domestic violence. She is an activist, advocate and sociolegal academic at University of Canberra.



Rape culture myths are alive and well throughout society, and the criminal justice system can no doubt contribute to the intimate partner sexual violence (IPSV) victim's reluctance to report. Fear of the perpetrator is the most common explanation provided for why a woman chooses not to disclose. In addition though, she may not contact the police because of concern about her credibility as a victim and confusion in defining the act(s) as rape. This self-doubt can be even more powerful if physical force was not a part of the coercion. Of the 30 women whose stories make up *Real Rape Real Pain: Help for Women Sexually Assaulted by Male Partners* (Easteal & McOrmond, 2006), only four told the "authorities" about the rape. For each of these women, the assault involved physical force.

▲ Rape culture myths are alive and well throughout society, and the criminal justice system can no doubt contribute to the intimate partner sexual violence (IPSV) victim's reluctance to report.

Delayed reporting can lead to the disappearance of evidence and can then be used against the woman in court to discredit her as a witness. The rape myth operating here is that the 'good' victim reports immediately.

So, a partner rape survivor often needs emotional support in making a complaint.

Police might minimize what happened in a number of ways. For example, in an interview with one survivor the officer asked, "How did he come to rape you?" After she responded that he had forced her legs open, the officer asked, "How long did he lay on top of you in that position making love to you, fu****g you, whatever words you want to use...raping you?" (Easteal & Feerick, 2005).

There is a high rate of discontinuances or dropping of charges in all sexual assault cases,¹ but it happens even more often in partner rape. Frequently the victim plays an active role in requesting that charges be dropped.² Some women may be convinced (perhaps subtly and sometimes very directly) by the police or the prosecutors that there is little hope of a

¹In looking at five Australian jurisdictions, Denise Lieve (2005) found that 38% of the prosecutions in sexual assault were dropped.

²In Easteal and Feerick (2005), 10 of the 21 cases of partner rape were dropped; seven were at the request of the victim.

guilty verdict. For others, their cross-examination at the committal hearing (indictment) was an ordeal and they simply don't have the energy to continue.

Police, prosecutors and support workers can be more sensitive to these issues and careful in their communication.

Also, a woman may have several interviews with police officers. Sadly the courts (and the defense lawyer deliberately) don't often recognize the impact of trauma and search for discrepancies in her accounts to officers. If there are any differences between what a victim said to police between different interviews and/or in her preliminary hearing testimony, the prosecutor may pre-empt the defense, raising these discrepancies at trial by labeling the victim as "not reliable" and discontinuing or dropping the case.

If you're supporting a woman, it may be a good idea to make her aware that what she says seemingly informally to a police officer at the hospital may be compared with later statements.

Prosecutors know that the chances of conviction are low.³ They will be more likely to "run" with a matter if there is forensic evidence.

If you are a supporting a victim encourage her to have an examination.

If the case makes it through the prosecutors' filtering, aside from the very slow wheels of "justice" the victim needs to be prepared by a support person for certain realities of the courtroom. She may experience frustration since she has no lawyer or advocate in the trial and the defendant may not be cross-examined about matters that she feels are relevant. Further, the judge may not allow certain evidence like history of domestic violence although such evidence may be vital and its inadmissibility contributes to an acquittal.

So often in the case in rape trials, the complainant's word ends up being on trial.⁴ The partner/complainants may be cross-examined about previous consensual sex (Heenan, 2004). And, credibility as a witness unfortunately is equated with consistency. For instance, one "hung" jury seemed to pivot around the

complainant's inability to remember all the particular details of the assault (Easteal & Feerick, 2005). The defense lawyer's cross-examination was exhaustive and managed to get the complainant confused about a number of details and to appear unreliable.

Develop a plan to assist her in dealing with confusion. **Inform her** that she can ask the judge for time out for a glass of water. **Encourage her** to make eye contact as much as possible with you or with another support person. For prosecutorial staff; **help establish** a "reality check" by developing some signals. For example, advise her that you will touch your forehead as if to say, "This lawyer is trying to play with your head." If you clasp your hands it can be a message of strength and union.

Find out if your jurisdiction allows her to give her testimony in another room or with a partition. She will feel more comfortable and safer if she's not in the same room as her perpetrator. You can use the knowledge of the games that are played in the criminal justice system as a suit of armor to protect her to some degree from the wounds. ○

References

Easteal, P., & Feerick, C. (2005). Sexual assault by male partners: Is the license still valid? *Flinders Journal of Law Reform*, 8(2), 185-207.

Easteal, P., & McOrmond-Plummer, L. (2006). *Real rape, real pain: Help for women sexually assaulted by male partners*. Melbourne: Hybrid Publishers.

Heenan, M. (2005). Just "keeping the peace": A reluctance to respond to male partner sexual violence. Retrieved December 17, 2008, from <http://www.aifs.gov.au/acssa/pubs/issue/i1.html>

Lievore, D. (2005). Prosecutorial decisions in adult sexual assault cases [Report - text version]. Retrieved April 19, 2008, from <http://www.aic.gov.au/publications/tandi2/tandi291t.html>

van deZandt, P. (1998). Heroines of fortitude. In P. Easteal (Ed.), *Balancing the scales: Rape, law reform and Australian culture*. Annandale (Australia): Federation Press.

³In the Easteal and Feerick study (2005), of those who went to trial, there were no jury findings of guilt; six defendants pleaded guilty, three were acquitted and in two trials there were hung juries.

⁴In more than half (54%) of the trials studied by Pia van deZandt (1998), the complainant was cross-examined about a possible motive for making a false report to the police.

Making the Connections: Advocating for Survivors of Intimate Partner Sexual Violence

Marianne Winters

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Why Make the Connections?

Intimate partner sexual violence (IPSV) is the place where the movements to end and address domestic violence and sexualized violence come together. Simply stated, IPSV exists whenever sexualized violence is present along with any form of violence within an intimate relationship. In early thinking and literature, it was often referred to as "marital rape" or "wife rape." IPSV has been coined as a term so that the understanding of the issue is broad and inclusive of the wide range of intimate relationships, including unmarried partners, people in dating relationships, people of all genders and sexual orientations, and teens. From a survivor's perspective, IPSV is a part of a bigger picture of violence, abuse, and control where sexual assault and abuse get used as an additional form of battering. For some survivors, sexual assault may be the sole form of physical abuse within a relationship. From the perspective of workers in movements to address domestic and sexual violence, however, IPSV is often addressed with the same or similar strategies as either domestic violence or sexualized violence, and oftentimes is unidentified and unaddressed, leaving survivors with gaps in advocacy which narrow the opportunities to develop safety and healing. For the movements to end and address domestic



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It is my belief that full integration of these issues is essential at all levels of our movements. Counselors and advocates working in domestic violence programs must learn how the experience of sexualized violence impacts efforts to build safety for survivors of domestic violence. Counselors and advocates within rape crisis centers must learn how the risk for ongoing physical violence impacts efforts to seek justice and address healing. Educators and trainers must know how to deepen the analysis of these issues in the context of prevention and professional training. Policy developers must include strategies that address the complexity of these issues. Finally, organizations must implement concrete strategies that promote integrated safety, healing, advocacy, and prevention.

A Word about Organizational Structure

My work on IPSV grew out of my work at a rape crisis center in Massachusetts, which eventually led to my work as the first Director of the Massachusetts Coalition Against Sexual Assault (MCASA). In 1998 MCASA was dissolved as it merged with the Massachusetts Coalition of Battered Women Service Groups to form Jane Doe Inc., the Massachusetts Coalition Against Sexual and Domestic Violence. One of the anticipated benefits of the coalition merger was the potential to more fully develop the statewide response to IPSV.

Whenever I begin to talk about these issues, somebody always raised the comment –“sounds like you think we all should merge.” The reality is that I do not promote merger or combining agencies as the only way that these issues can be addressed. And, I don’t believe that just because an agency or coalition works on both domestic violence and sexual assault, that this automatically means that the issues will be integrated. When I promote integration of these issues, I intend for all of us to think through these issues based upon the experiences of survivors and the needs of communities. Integration can happen through creative collaborations, through the development of training, and through policy initiatives that address the complex needs of survivors of IPSV. In this article I propose a model to frame the issues of IPSV based in a social change framework that encompasses initiatives that address these issues at all levels of intervention.

Start with Society

IPSV exists in the context of our society’s mythology and within the context of oppression. As we know from our work to identify the sociological underpinnings of both domestic and sexualized violence, we are bombarded with these messages, both subtle and obvious, that lay the foundation for interpersonal violence. I won’t go into the whole spectrum here, but will highlight some particular messages that I believe promote perpetrator behavior and impact the ways in which survivors feel and recover in the aftermath.

First and foremost is the idea that rape can’t exist in a marriage or ongoing relationship. This, of course then becomes extended to include anyone who has ever had consensual sex, which is why one of the earliest battles of our movements was the passage of rape shield laws and other measures that assure that a victim’s past sexual conduct is not open as evidence of consent. These hard-won battles were direct confrontations of the notion that once a woman consents to sex, she’s committed to sex forever after. The notions of “wifely duty” and our cultural obsession with coupling further solidify this message. “You’re nobody unless somebody loves you” is not only a lyric in a song, but also a theme in countless movies, television shows, cartoons, and children’s stories.

Another sociological factor is society’s obsession with looks and women’s bodies. Here the message goes, “You’re nobody unless you’re thin, beautiful by popular cultural standards, well-proportioned, manicured and coiffed, and of course, with all unwanted hair removed.” This cultural dynamic is used as a tool by perpetrators who use verbal insults, comparisons with others, and physical put-downs as an effective tool of emotional abuse.

Finally, mainstream U.S. culture attempts to enforce behavior by maintaining strong consequences for anyone who may be or behave outside of a prescribed norm. This is one of the many ways that racism and sexism collide by opening the door to rape of women of color. Women of color, under this paradigm, get perceived as more deserving of rape and in need of being controlled. In fact, anyone who doesn’t fit a narrowly prescribed set of behaviors and identities is at greater risk. Societal messages are abundant that punish people with mental illness, with disabilities, who are poor and working class, with increased risk for violence. Also, gay men, lesbians, bisexual women and men, and transgender people all hear these



► Survivors may be experiencing reactions to the actual abuse as well as to society's mythology regarding sexual assault – it's the victim's fault, it's what she did, how she acts, what she wears, etc.

► While their partner may have raped them repeatedly, it's rare that the perpetrator gets named as a serial rapist, yet this is indeed behavior that fits this definition.

messages, while the wider society learns that all of these populations are fair game for sexual violence.

The Impact of IPSV on Survivors

Survivors of IPSV often experience the full range of impact that is usually associated with both domestic violence and sexualized violence. However, the specific reactions that survivors have to this violence may be exacerbated by the complexity of the violence suffered. Women may have similar rates of fearing death or having severe psychological outcomes when raped by strangers or by intimate partners. Survivors may be experiencing reactions to the actual abuse as well as to society's mythology regarding sexual assault – it's the victim's fault, it's what she did, how she acts, what she wears, etc. Put in a context with society's messages about sexuality and obsession about looks and bodies, and many survivors experience deep feelings of shame, guilt, fear, and invisibility.

For many, the struggle to reach clarity about the abuse is difficult. Because they were sexually assaulted or abused by an intimate partner, they frequently don't identify as victims of rape or sexual assault, yet they are experiencing emotions as a survivor of sexual assault. While their partner may have raped them repeatedly, it's rare that the perpetrator gets named as a serial rapist, yet this is indeed behavior that fits this definition. Rather, society layers on confusion and denial so that many survivors experience a disconnect between what they feel and what they understand to be happening to them.

IPSV is also a medical issue, with both short-term and long-term health impacts that are often unaddressed. Short-term and urgent medical needs include injuries from the assault, issues with unwanted or forced pregnancy, sexually transmitted infections, risk of birth defects or miscarriage, risk for alcoholism and other substance use and abuse, depression, anxiety, suicidality, and forensic needs. Longer-term issues emerge when immediate issues are ignored or misdiagnosed, as well as the full range of longer-term health impacts of ongoing violence.

Cultural Factors

Culture and background play a role in how survivors experience the impact of violence. While a survivor's culture and social system may serve a safety and healing role, it can also be the source of messages that can be misused to further isolate a survivor. Messages about adherence to gender roles or the

expectations of a wife and mother all factor in to a survivor's reactions. Belief structures based in religion, political ideology, economic background, sexual orientation, and gender identity may also have an impact. When a survivor is part of a community that is isolated or extremely marginalized (such as certain immigrant communities, transgender survivors, or survivors with disabilities or deafness) there can be few, if any, places to turn for support in developing safety and healing. In fact, the very community that provides a social and economic support structure may also be a place of support and denial for perpetrators. There are many cultures that adhere strongly to the notion that married women are obligated to have sex whenever their husbands wish. These messages are grounded in cultural, historical or religious values and often have a high degree of adherence within the culture. There are often strong cultural taboos to discussing sex in general, let alone IPSV. These cultural taboos are often widespread and act as barriers to disclosure across many cultures. It should be remembered that not every person from a given culture or background adheres to predominant cultural norms to the same degree. Many cultures have some element or degree of belief in the concept of "wifely duty," which can contribute to the idea that men have a right to demand sex of their partners and that women have an obligation to comply.

Implications for Lesbians and Gay Men

Society's oppression of people in same-sex relationships puts survivors at more risk for isolation and marginalization. Same-sex oppression or heterosexism establishes messages that all people in same-sex relationships are sexually deviant, dangerous or abnormal. Therefore, it may be even more difficult for survivors to identify their experience as sexual assault. Many survivors lack a strong support system due to heterosexism. Survivors may not have been open to family members or friends about their relationship or their sexuality, making it more difficult to disclose the abuse in the relationship. They may also fear becoming isolated from their community by "airing dirty laundry" about an already oppressed community. The abusive partner often uses heterosexism as a dynamic of the abuse. For example, an abuser may threaten to "out" their partner to family or co-workers as a tool for getting the survivor to comply or keep quiet about the abuse. Not only do survivors face their feelings about the sexual abuse and the stigma attached, but also they have to deal with the fear that whomever they might confide in will be judgmental about their same-sex relationship.

Implications for Transgender Individuals

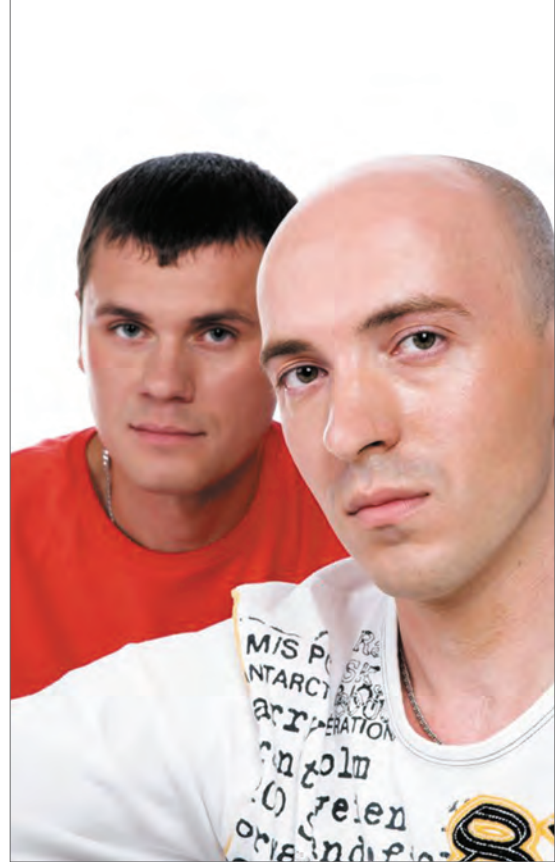
Intimate partner sexual assault may take place in relationships where one or both partners identify as transgender. Often workers lack basic understanding of issues, and may make assumptions and expect or depend on the transgender person to explain everything about their lives before being able to help. Counselors may assume that transgender is the same as gay or lesbian and may want to identify based on looks or biological gender, rather than self-identity. Programs that have gender requirements for eligibility for shelter and safe homes may be inaccessible to members of the transgender community. A common experience of transgender survivors is to find counselors who believe that their job is to focus on the issues of gender transition and identity, rather than on issues related to the violence they are experiencing. Survivors may not have "come out" to family members, friends, or medical providers, making it more difficult to disclose the abuse in the relationship.

Implications for Domestic Violence and Sexual Assault Programs

Anyone who works with survivors of either domestic or sexualized violence should develop a foundation of understanding of IPSV. Cross-training initiatives are a beginning to this process; ongoing development that includes training, think-tank approaches, and case study is an essential next step. Advocates need to understand not only the steps within the system, but at a deeper level, the ways that the decisions, options, concerns, and priorities of survivors of IPSV may be impacted by the complexity of the abuse. Therefore, integration of issues of IPSV must be supported and structured into ongoing management structures at every level of organizations. Policy groups including coalitions, community task forces, and round tables are also key to this process. I would advocate that integration be imagined on every level with a goal toward improving a community's capacity to fully support survivors of IPSV. This would assure that issue development happens at the level of individual advocates, prevention educators, managers, boards and advisory groups, and policy makers.

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- individual advocates
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Call for Collaboration and Innovation

Various factors contribute to underreporting, shame, lack of help-seeking of survivors of IPSV and to the difficulty in documentation of IPSV. As a movement, we can continue to lead the way toward integration of these issues so that the responses on all levels will come closer to meeting the needs of survivors. Collaboration is key, and begins with local conversations within organizations, across organizations, and within community roundtables and task forces. Assessment tools and skills are extremely important as a starting point. Questions about sexual assault by intimate partners need to be asked with sensitivity and in a number of ways to be sure that survivors do not have to identify with a narrow definition or question. Also, survivors need to be asked in a way that validates their experiences and emphasizes that they are not alone. With an already established network of partnering organizations and coalitions, we have the foundation that can support this work and deepen our capacity to more fully support survivors of IPSV. ○

Making Marital Rape A Crime: A Long Road Traveled, A Long Way to Go

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Mary Rothwell Davis

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Stefanie Lopez-Boy is Program Associate for the National Judicial Education Program. She has worked at Legal Momentum for 3 years. She is also an active member in young feminist organizations and was previously Chapter Director of the New York Metro Chapter of the Younger Women's Task Force (www.ywtf.org). She is co-founder and Board Member of the REAL hot 100 (www.therealhot100.org).

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The National Judicial Education Program (NJEP) is a unique, award-winning project which pioneered judicial education about gender bias and was the catalyst for nearly 50 high-level state and federal task forces on gender bias in the courts nationwide. Over the past twenty years, NJEP has utilized a three-fold approach to promote access to the justice system and equality for women and men in the courts: education, publications and supporting the task forces on gender bias in the courts. More information about NJEP and its sexual assault resources is available at: www.legalmomentum.org/njep

As late as 1976,¹ prosecuting charges of marital rape² was legally impossible in any state. While there is no longer a total exemption for marital rape in any state's law, in many states the extant statutes are hardly proactive in promoting a vigorous prosecution of marital rape or overtly condemning marital rape as a crime. Some states simply removed the language that provided the exemption from their rape laws – typically eliminating the phrase “not his wife” from the statutory definition of the crime. These are called “silent” statutes. Other states went further to explicitly state that a marital relationship is not a “defense” to rape. But in many states, marital rape was made illegal in special statutes which impose restrictions on reporting and lesser penalties for the crime. Today twenty-six states still cling to these regressive statutes.

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¹In 1976, Nebraska became the first state to criminalize marital rape (Legislative Bill 38, 1977).

²For purposes of this article, marital rape is defined as unwanted sexual contact perpetrated by one spouse against the other.

Myriad factors affect the prosecution of marital rape, not the least of which are statutory constraints that make it more difficult for a victim to report and the State to prove the crime. Eleven states impose extra requirements on victims reporting these offenses including unusually short time limits to report (in some states as short as 30 days), requirements that the couple be separated or divorced at the time of the rape, or requirements that the victim show that force or the threat of force was used to coerce sexual contact (American Prosecutors Research Institute [APRI], 2006). Thirty states limit the types of crimes that may be prosecuted as spousal rape, often excluding crimes committed when the spouse is rendered incapacitated by mental illness or intoxication, even if the spouse purposely incapacitated the victim (APRI, 2006). Four states maintain separate statutes for marital rape which call for lesser sentences or allow judicial discretion in lowering the charge or sentence (APRI, 2006). Finally, four states – Connecticut, D.C., Iowa and Minnesota – have moved backwards and expanded the definition of “spouse” in their marital rape statutes to include unmarried persons in intimate relationships or cohabiting, which means that the restrictive reporting requirements apply to them as well, or that defendants cannot be charged with certain crimes (APRI, 2006).

The extra requirements and lesser penalties enshrined in these laws are vestiges of the marital rape exemption and are based on the cultural assumptions that propped it up for so long. These assumptions are challenged by current research demonstrating that marital rape is devastating to victims and therefore merits harsher treatment. Professor Evan Stark (2007), a leading researcher on violence against women writes:

[M]arital rape...should be treated differently and more severely than similar crimes committed by strangers. As a result of its unique relation to personal life, sexual assault is far more likely to be repeated when it is committed by partners and almost always occurs amid other forms of violence, intimidation, and control. The level of unfreedom, subordination, dependence, and betrayal associated with marital rape has no counterpart in public life. (p. 388)



◀ The level of unfreedom, subordination, dependence, and betrayal associated with marital rape has no counterpart in public life.

Most victims of marital rape never report the violence for numerous reasons including difficulty recognizing the conduct as rape, economic dependence on their abuser, fear that no one will believe them and ignorance of the law making marital rape a crime. These fears are grounded in persistent and pervasive cultural myths about rape in marital relationships. The myths, and the laws that enshrine them, effectively silence victims and sanction rape in marriage.

Marital Rape Law: The Historical Exemption Theories and Current Myths

Historical Assumption: A woman is a man's property.

Upon marriage, rights to such property are transferred from a woman's father to her husband. Rape is a violation of the man's property. A man cannot violate his own property; therefore, a husband cannot rape his own wife.

The historical notion that a woman is a man's property, and that rights to this property are transferred from father to husband, dates to the biblical era. Quoting Florence Rush, one of the first feminist theorists to discuss sexual abuse in families, Lisa Eskow (1996) writes in her Stanford Law Review Note:

Judaism ordained that a bride could be legally acquired by contract, money or sexual intercourse, but since the [Christian] church eschewed materialism, sexual intercourse emerged as the validating factor. As early as the sixth century, Pope Gregory decreed that "any female taken by a man in copulation belonged to him and his kindred." And since copulation with or without consent established male possession of the female, vaginal penetration superseded all impediments. (Rush, 1980, p. 32)

Ironically, this understanding of sex between men and women is precisely how rape is primarily defined today – an act of power and violence against a person to subjugate and own them. While today this theory is not as germane to the law and stereotypes about marital rape, it is a refrain many women hear from their batterer/rapist. Perpetrators of marital rape are often described as jealous, domineering individuals who feel a sense of entitlement to have sex with their "property." In her book, *Wife Rape*, Raquel Kennedy Bergen describes the following victim experiences:

Wanda remembered that her husband told her repeatedly, "That's my body – my ass, my tits, my body. You gave that to me when you married me and that belongs to me."

Emily recalled that on the night her husband raped her he was saying something like "I'm his wife and I'm supposed to have sex with him and by law I was his or something like that – his possession."

Pam told me, "I remember one time he [her husband] told the judge, 'That's my wife, you can't tell me what to do with her.'" (Bergen, 1996, p. 20)

Similarly, in a case where a man forced his wife to have sex with him at gunpoint, he claimed upon arrest, "You mean I can go to jail for having sex with my wife?" (People v. Johnson, 2005) While this will not stand up in court, such misconceptions about a man's "rights" with respect to his wife fuel a marital rapist's sense of entitlement to complete access to his partner and may give a sense of impunity. In 1979, in the midst of a conversation with a lobbyist from the National Council of Jewish Women who was seeking support for an end to California's marital rape exemption, California State Senator Bob Wilson is quoted saying "If you can't rape your wife, who can you rape?" (Eskow, 1996, p. 689)

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These attitudes and victims' own misconception about what is consent and what is rape in an intimate relationship make it extremely difficult for victims to report these crimes. Eskow (1996, p. 689) asserts that such misconceptions create a "false consciousness of consent" in marital rape victims, making it even more difficult for them to recognize sexual assault. In study after study, women do not label the actions perpetrated against them as rape, or even sexual assault. Only behaviorally-based questions, such as "Has your spouse forced you to have sex when you did not want to?" elicit information about the abuse (McFarlane & Malecha, 2005).³ This, along with victims' fear that they will not be believed, poses as much of a barrier as any statutory marital rape exemption.

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³Judith McFarlane and Ann Melecha (2005) stated 69% of battered women in their sample experienced sexual abuse and only 6% of these reported to the authorities.

**Historical Assumption:
The marriage contract is a guarantee
of ongoing consent to sexual relations.**

Legal scholars agree that this contract theory has had the most enduring impact on the marital rape exemption. However, it is important to note that this theory flows naturally from the assumption that women are men's property. If a woman is her husband's property, it flows logically that she cannot retract her consent to sexual relations after signing the marriage contract, at which point she is officially "deeded" to him. A famed fifteenth-century British jurist, Sir Matthew Hale (1609-1676), articulated the now-called "ongoing consent" theory in his *History of the Pleas of the Crown* published after his death in 1736. Without any legal basis, he unilaterally declared:

[T]he husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband, which she cannot retract.⁴

At one time in history, sex within marriage was the only kind of legal sex. Extramarital sexual relations were considered either adultery or fornication and therefore illegal. The contract theory arose in this context. Sex with her husband was the only sex a woman could consent to – otherwise she transgressed against the law. Once married, she was part and parcel of her husband so her consent was a given.⁵

Matthew Hale's theory, along with his other infamous assertion that "rape is an accusation easily to be made, hard to be proved, and harder yet to be defended by the party accused, tho' never so innocent" has left an indelible mark on all rape laws and trials. Hale's assertion gets at the crucial issues of victim credibility and the paranoia men and the courts feel about false rape allegations. In the case of marital rape laws, these notions underlie restrictions on the amount of time a victim has to report and the need for corroborating evidence demonstrating force or threat of force.

The ongoing consent theory also feeds into the notion that marital rape is "not that bad" since wives

are "used to" having sex with their husbands anyway. This stereotype blinds jurors and the courts to the fact that time and again studies have shown that marital rape is far more injurious psychologically, physically, and emotionally than stranger rape. Studies with populations of college students (Monson, Langhinrichsen-Rohling, & Binderup, 2000; Whatley, 2005; Auster & Leone, 2001) demonstrate that traditional notions about gender and victim dress influence beliefs about whether or not a woman has a right to refuse sex from her husband. In these studies, men are less likely than women to think that marital rape should be a crime.⁶

Women who are victims of marital rape are more likely to suffer from severe post-traumatic stress disorder, have suicidal thoughts, and report an inability to trust or get involved in emotional relationships than women who are physically but not sexually abused (MacFarlane & Malecha, 2005; Bennice, 2003). In the famous words of pioneer researchers in this field David Finkelhor and Kersti Yllo (1985):

When you are raped by a stranger you live with a frightening memory. When you are raped by your husband you have to live with your rapist. (p. 138)

Marital rape can happen with or without other types of violence in the relationship. In fact, marital rape is often part of a larger cycle of physical and emotional violence. In *Wife Rape*, Raquel Bergen (1996) reports that 70% of the women in her sample experienced brutal "battering rapes" (i.e., where rape follows a physically violent attack). Victims often acquiesce to sex with their partners, not by choice, but to avoid physical violence. When physical violence accompanies rape, the injuries are particularly brutal.

Moreover, unlike rape by a date or stranger, marital rape is often not an isolated incident. Because the victim lives with the assailant, marital rape is more likely to be completed and multiple assaults are common. In a study published in 2000 by the National Institute of Justice, just over half of women raped by an intimate partner said they were victimized repeatedly by that partner. Overall the average was 4.5 rapes by the same partner (Jaden & Thoenes, 2000). In their book *License to Rape*, Finkelhor and Yllo report,

⁴Matthew Hale, *Historia Placitorum Coronae: The History of the Pleas of the Crown* (1736), p. 628.

⁵For a more in-depth discussion of the proscription against extramarital relations, see Michelle Anderson (2003).

⁶This study showed that less than half of the men studied believed that marital rape should be a crime, while over 60% of the women studied thought it should.



Historical Assumption:

When a man and woman marry they are united as one under the law, and the one is the husband. As one entity, it is a logical impossibility for one half of the entity to rape the other.

In the sixteenth century, Sir William Blackstone (1723-1780), a British jurist who wrote the first defining treatise on common law, included in his *Commentaries* the following analysis of the marital contract:

By marriage the husband and wife are one person in law: that is the very being or legal existence of the woman is suspended during marriage, or at least is incorporated and consolidated into that of the husband: under whose protection and cover, she performs everything...and her condition during her marriage is called her coverture.⁷

► “Skirmishing for better laws, and the right to vote, will yet be swallowed up, in the real question, viz, has woman, as wife, a right to herself? It is very little to me to have the right to vote, to own property &c. if I may not keep my body, and its uses, in my absolute right. Not one wife in a thousand can do that now, & so long as she suffers this bondage, all other rights will not help her true position.”

--Lucy Stone, 1855

For most marital rape victims, rape is a chronic and constant threat, not an isolated problem. The battered women, of course, were the most vulnerable of all to such repeated sexual abuse. Twice as many battered women suffered from chronic rapes (twenty times or more) as the other raped women. (Finkelhor & Yllo, 1985, p. 138)

In the study of 40 women reported by Raquel Kennedy Bergen (1996), 22 women, 55% of the sample, were raped 20 times or more during marriage.

In other words, upon marriage the wife's existence as a separate being under the law ceased. As such, her interests and her husband's were merged. The caveat, of course, is that really only the husband's interests were preserved, since upon marriage women relinquished to their husbands all rights to their person, their wages, and their property.

The “unity theory” of the marital rape exemption, as it is often called, was central to nineteenth century feminists' theory that a woman's place in society would never be equal to man's so long as she could not even have control over her own person. Jill Hasday, in her article *Contest and Consent*, details the fervor with which nineteenth century feminists railed against the marital rape exemption. In an 1855 letter to Antoinette Brown Blackwell, prominent feminist Lucy Stone wrote:

[I]t is clear to me that [the marriage] question underlies this whole movement and all our little skirmishing for better laws, and the right to vote, will yet be swallowed up, in the real question, viz, has woman, as wife, a right to herself? It is very little to me to have the right to vote, to own property &c. if I may not keep my body, and its uses, in my absolute right. Not one wife in a thousand can do that now, & so long as she suffers this bondage, all other rights will not help her true position. (cited in Hasday, 2000, p. 1425)

⁷Sir William Blackstone, *Commentaries on the Laws of England* (1765), p. 430.

These early feminists understood that shifting the power imbalance at the core of the marital relationship was key to redefining women's role in society. While they would not live to see the marital rape exemption repealed, they did successfully change the laws so that married women could own property. They also forced courts to recognize some cases of marital rape as "extreme cruelty" and therefore grounds for divorce.

While the notion of coverture is no longer officially enshrined in law, the idea that marriage is a sacred entity holding the best interest of both parties is alive and well. Jill Hasday (2000) explains,

One of the most remarkable characteristics of the modern defense of the marital rape exemption...is that it presupposes the aligned interests of husband and wife. ... [The] assumption of conjoined interests in marriage is so absolute that proponents do not concede that a marital rape exemption might inflict harm on wives. Their argument assumes that a wife's interests, like her husband's, are always and wholly served in a marital relationship where her husband cannot be prosecuted for raping her. (p.1485)

Indeed, this assumption underlies the impulse of many jurors today to acquit marital rapists so as to maintain the integrity of the marriage. Current state statutes that separate "spousal rape" from "regular rape" only perpetuate the notion that spousal rape is less harmful to women, and that lesser penalties are in the interest of husband, wife, and the institution of marriage. The institution of marriage casts a mitigating light on the crime of rape. A prosecutor quoted in Eskow's article (1996) mentioned above even suggests giving jurors specific instructions that "All spouses have a right to control their bodies. Spousal status in [sic] no defense to rape." (p. 702)

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Conclusion


In 1976, an Oregon jury acquitted John Rideout of raping his wife Greta. News articles reported on the expert testimony offered at trial about the marital rape exemption, including Sir Matthew Hale's theory of "implied consent." The case sparked the feminist movement to lobby for the abolition of the marital rape exemption. The last state to fall was North Carolina in 1993. The first four states to eliminate the exemption did so by case law. In striking down this exemption, the New York Court of Appeals wrote:

We find that there is no rational basis for distinguishing between marital rape and nonmarital rape. The various rationales which have been asserted in defense of the exemption are either based upon archaic notions about the consent and property rights incident to marriage or are simply unable to withstand even the slightest scrutiny. We therefore declare the marital exemption for rape in the New York statute to be unconstitutional.

Lord Hale's notion of an irrevocable implied consent by a married woman to sexual intercourse has been cited most frequently in support of the marital [rape exemption]. Any argument based on a supposed consent, however, is untenable. Rape is not simply a sexual act to which one party does not consent. Rather, it is a degrading, violent act which violates the bodily integrity of the victim and frequently causes severe, long-lasting physical and psychic harm. To ever imply consent to such an act is irrational and absurd. Other than in the context of rape statutes, marriage has never been viewed as giving a husband the right to coerced intercourse on demand. Certainly, then, a marriage license should not be viewed as a license for a husband to forcibly rape his wife with impunity. A married woman has the same right to control her own body as does an unmarried woman. If a husband feels "aggrieved" by his wife's refusal to engage in sexual intercourse, he should seek relief in the courts governing domestic relations, not in "violent or forceful self-help." (People v. Liberta, 1984, pp. 163-164)

The twenty-six states that maintain exceptions and restrictions in their marital rape law have yet to acknowledge what the New York Court of Appeals



recognized with such forceful clarity. We must be active in our individual states to change these laws and create a climate in which victims can disclose and be treated with respect by the justice system and the community. 

References

- American Prosecutors Research Institute (APRI). (2006). Summary of spousal rape laws. [Report available by email at ncpvaw@ndaa.org]
- Anderson, M. (2003). Marital immunity, intimate relationships, and improper inferences: A new law on sexual offenses by intimates. 54 *Hastings L.J.* 1465, 1516-1521.
- Auster, C., & Leone, J. (2001). Late adolescents' perspectives on marital rape: The impact of gender and fraternity/sorority membership. *Adolescence*, 36, 141.
- Bennice, J. (2003). The relative effects of intimate partner physical and sexual violence on post-traumatic stress disorder symptomatology. *Violence and Victims*, 18, 87.
- Bergen, R. (1996). *Wife rape: Understanding the response of survivors and service providers (SAGE Series on Violence against Women)*. Thousand Oaks, CA: Sage Publications, Inc.
- Eskow, L. (1996). The ultimate weapon?: Demythologizing spousal rape and reconceptualizing its prosecution. *Stanford Law Review*, 48, 677-679.
- Finkelhor, D., & Yllo, K. (1985). *License to rape (Sexual abuse of wives)*. New York: Holt, Rinehart And Winston Publishers.
- Hasday, J. (2000). Contest and consent: A legal history of marital rape. 88 *Calif. L. REV.* 1373.
- Jaden, P., & Thoennes, N. (2000). *Extent, nature, and consequences of intimate partner violence: Findings from the National Violence Against Women Survey*. Retrieved December 16, 2008, from U.S. Dept. of Justice, National Institute of Justice website: www.ncjrs.gov/pdffiles1/nij/181867.pdf
- Legislative Bill 38, 85th Leg., 1st Session, NB (1977).
- McFarlane, J., & Malecha, A. (2005). *Sexual assault among intimates: Frequency, consequences and treatments*. Retrieved December 8, 2016, from National Institute of Justice website: www.ncjrs.gov/pdffiles1/nij/grants/211678.pdf
- Monson, C., Langhinrichsen-Rohling, J., & Binderup, T. (2000). Does "no" really mean "no" after you say "yes"?: Attributions about date and marital rape. *J. Interpersonal Violence*, 15, 1156-1174.
- People v. Johnson, No. C047560, 2005 Cal. App. Unpub. LEXIS 11725 (Cal. Ct. App. Dec. 20, 2005), *6.
- Rush, F. (1980). *The best kept secret: Sexual abuse of children*. N.J.: Prentice Hall Trade.
- Stark, E. (2007). *Coercive control: How men entrap women in personal life*. New York: Oxford University Press.
- Whately, M. (2005). The effect of participant sex, victim dress, and traditional attitudes on causal judgments for marital rape victims. *Journal of Family Violence*, 20(3), 191-200.

◀ For information about the marital rape laws in your state see the AMERICAN PROSECUTORS RESEARCH INSTITUTE (APRI), SUMMARY OF SPOUSAL RAPE LAWS (2006). For a copy, email ncpvaw@ndaa.org.

The National Judicial Education Program has posted a web course and resource for judges and others addressing all aspects of rape in intimate relationships, which includes a discussion of the marital rape exemption. You can register for and view the course for free at www.njep-ipsacourse.org.



Intimate Partner Sexual Assault

Jennifer Gentile Long

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▼ To increase the effectiveness of the criminal justice system's response to sexual violence, allied criminal justice professionals must recognize the serious impact of intimate partner sexual assault on the victim as well as the community, understand the contexts in which intimate partner sexual assaults occur, and appreciate the individual responses that victims of intimate partner sexual assaults have to their victimization.

The majority of sexual assault victims know their assailants.¹ Despite this fact, the public still expects rapists to be weapon-wielding strangers who attack their victims in dark alleys. This expectation, grounded in cultural bias, victim blaming, rape myth acceptance, and faulty expectations about victim behavior, creates unique challenges to the successful prosecution of non-stranger sexual assault.² A current or former relationship between the victim and the defendant can lead to additional complexities that often make the arrest, prosecution, and conviction of an intimate partner rapist even more difficult.

Historically, additional barriers to prosecution were created by many jurisdictions' criminal laws that sanctioned intimate partner rape by exempting spouses from the rape statutes.³ Although the marital exemption is no longer codified, some allied criminal justice professionals have continued to ignore, dismiss, or blame victims of intimate partner sexual assault. A growing number of allied criminal justice professionals recognize the validity of intimate partner sexual violence and conduct aggressive investigations and prosecutions of these rapists. Despite their efforts, however, jurors and judges often fail to hold intimate partner rapists accountable.

The criminal justice system is a critical piece of the coordinated response to sexual violence (Restricted Reporting, 2008). If its response is indifferent or ineffective, sexual violence victims are left vulnerable, offenders are not held accountable, communities are less safe, and justice is not accomplished. To increase the effectiveness of the criminal justice system's response to sexual violence, allied criminal justice professionals must recognize the serious impact of intimate partner sexual assault on the victim as well as the community, understand the contexts in which intimate partner sexual assaults occur, and appreciate the individual responses that victims of intimate partner sexual assaults have to their victimization. In addition, prosecutors must develop strategies to overcome jurors' belief in common sexual violence myths which become barriers to the successful prosecution of an intimate partner sexual assault. This article provides a general summary of these issues, barriers, and strategies relating to the prosecution of intimate partner sexual assault. It also includes references to other resources that address these topics more completely.

¹See National Crime Victimization Survey (2005), stating "in seven out of every ten assaults, the defendant is either the victim's intimate partner, other relative, friend or acquaintance."

²Bennice & Resnick (2003) state: "One of the driving forces behind the widespread cultural invalidation has been the commonly held belief that marital rape is not "real rape" (p. 231); see also "Acquaintance rape is one of the most misunderstood forms of criminal violence. Many people believe that it is not "real rape" (citing Estrich, 1988).

³See e.g. (18 Pa.C.S.A. § 3121 (1994) ("a person commits a felony of the first degree when he engages in sexual intercourse with another person not his spouse: (1) by forcible compulsion . . .") removed by silent statute 1995; see also *Intimate Partner Sexual Abuse: Adjudicating this Hidden Dimension of Domestic Violence* at <http://www.njep-ipsacourse.org> (stating "[b]y July 1993, marital rape was a crime, to some degree, in all 50 states. The Uniform Code of Military Justice eliminated the marital rape exemption in 1995"). Nevertheless, there remained a disparity in the treatment of spousal sexual assaults.

The Impact of Intimate Partner Sexual Assault

Intimate partner offenders, like all stranger rapists, “hide behind the context of their relationships with their victims. They mask themselves as ‘nice guys.’ They play upon society’s biases and stereotypes” (Valliere, 2007). “There is a pervasive idea that in-home offenders are somehow not as dangerous or problematic as ‘community’ offenders. They are, however, more experienced; more invested; cross more boundaries; are safer from exposure; create more betrayal and family conflict; and are more psychologically/emotionally involved in offending.”⁴ In addition, intimate partner sexual assault victims suffer a higher number of assaults. For example, most victims of marital rape “report being raped more than once, with at least one third of the women reporting being raped more than twenty times over the course of their relationship” (Mahoney, 2000, citing Finkelhor & Yllo, 1985; Russell, 1990).

Perpetrators of intimate partner sexual assault violate their victims physically and emotionally. Perpetrators are individuals with whom victims share their lives, homes, and possibly children. “In addition to the violation of their bodies, victims are faced with a betrayal of trust and intimacy” (Mahoney, 2000). Further, because of the relationship between the defendant and the victim, “there may be a tendency for victims to blame themselves, [and] there may also be complex feelings involved since they may love the offender but hate the offense” (Mahoney, 2000). As a result, intimate partner sexual assault victims often “suffer long-lasting physical and psychological injuries as severe—or more severe—than stranger rape victims” (Mahoney, 2000).

Many victims do not recognize their rape as an assault. Some believe that the law protects their rapist. Some believe that a spouse has the right to rape his wife. Others rely on their partners’ insistence that spouses or other intimate partners who have previously given consent to a partner are not able to withdraw it. Unfortunately, society often also shares these views and refuses to hold offenders accountable.



◀ . . . Intimate partner sexual assault victims often “suffer long-lasting physical and psychological injuries as severe—or more severe—than stranger rape victims.”

--Mahoney, 2000

⁴See Veronique Valliere, Psy. D., *Understanding the Non-Stranger Rapist*, National Institute on the Prosecution of Sexual Violence. This presentation can be requested from the National Center for the Prosecution of Violence Against Women (NCPVAW) at www.ncpvaw.org or 703.549.9222.

Understanding the Context of an Intimate Partner Sexual Assault

The term “context” refers to the circumstances surrounding an incident as well as the intent of the perpetrator’s use of violence. Prosecutors must determine the context in which a violent incident occurs in order to accurately analyze, charge, try, and dispose of the case.⁵ Significantly, not all intimate partner assaults occur in the same context.

Rapists do not rape out of sexual desire or to achieve sexual satisfaction. Rather, sexual assault is about power, and, therefore, sex is a weapon and a means of expressing the rapist’s aggression or power.⁶ Although some intimate partner assailants limit their violence to sexual assault (Bennice & Resnick, 2003), the majority of intimate partner sexual assaults occur within a physically abusive relationship.⁷ As a result, many intimate partner sexual assaults also involve domestic violence dynamics. All violent relationships include some level of control or attempt on the batterer’s part to control his partner. One useful tool to understand this dynamic is the Power and Control Wheel created by the Domestic Abuse Intervention Project in Duluth.⁸ Some relationships may include a cycle of violence. The term “cycle of violence” was developed by Lenore Walker to describe three distinct phases in an abusive relationship: tension building, physical abuse, and the honeymoon phase (Walker, 1984; Walker, 1992). Prosecutors must understand, however, that although these theories are helpful in understanding domestic violence, not every relationship involves a cycle of violence or the dynamics featured in the Power and Control Wheel. Domestic violence exists on a continuum, and, therefore, most relationships exist at some place—or in many places—along the continuum.⁹ It is critical that prosecutors understand the dynamics of each relationship in which an intimate partner assault occurs in order to accurately evaluate and prosecute the case.

◀ Many intimate partner sexual assaults also involve domestic violence dynamics.

◀ It is critical that prosecutors understand the dynamics of each relationship in which an intimate partner assault occurs in order to accurately evaluate and prosecute the case.

⁵Special thanks to Loretta Frederick, Legal Counsel, Battered Women’s Justice Project (BWJP); Michael Paymar, Resource Specialist, BWJP; and James Henderson, Jr., Domestic Violence Probation Officer, 15th District Court, Ann Arbor, MI, for their discussions on the importance of understanding the context in which a violent incident occurs in order to appropriately evaluate a domestic violence case.

⁶*Understanding the Rape Victim*, NCPVAW APRI (2005). This document can be requested from the National Center for the Prosecution of Violence Against Women (NCPVAW) at www.ncpvaw.org or 703.549.9222.

⁷Bennice & Resnick (2003) stating “Marital rape is more prevalent among women who also experience physical abuse within their intimate relationships.”

⁸See e.g., Domestic Abuse Intervention Project, *the Power and Control Wheel* at <http://www.duluth-model.org/documents/PhyVio.pdf>

⁹See e.g., Domestic Abuse Intervention Project, *the Power and Control Wheel* at <http://www.duluth-model.org/documents/PhyVio.pdf>; See also, e.g. Department of Sexual Assault Services and Crime Victim Assistance, Rutgers, The State University of New Jersey, *Dating Violence, Domestic Abuse, Stalking*, at <http://sexualassault.rutgers.edu/datingviolence.htm> (discussing the continuum of violence); see also National Center on Domestic and Sexual Violence, *the Continuum of Domestic Violence* at <http://www.ncdsv.org/images/ContinuumDomesticViolence.pdf>.

Common Domestic and Sexual Violence Victim Behaviors

Despite the extent of the research on domestic and sexual violence, many jurors still believe stereotypes about sexual and domestic violence victim behavior.¹⁰ For example, jurors expect domestic violence victims to accept responsibility and leave batterers. They also expect victims to be cooperative with prosecutors and to behave in ways consistent with other crimes. As experienced domestic violence prosecutors understand, the opposite is often true: domestic violence victims often stay with their abusers, regularly minimize their abuse, recant, request the dismissal of charges against their batterers, refuse to testify for the prosecution, or testify on behalf of their batterers.¹¹

The behaviors of sexual assault victims—particularly non-stranger sexual assault victims—also frequently conflict with the type of behavior the public expects from a “real” victim. For example, the public expects sexual assault victims to scream during their rape, to forcefully resist their attackers, to report their rapes immediately, to remain vigilant following their attacks, and to avoid their assailants. Sexual assault victims, however, often do not scream or resist during a rape; they frequently delay reporting their rape;¹² they often do not remain hypervigilant; and they may continue to have contact with their assailant.¹³

Victims of intimate partner sexual assault may exhibit many of the behaviors described above. Specifically, they may vacillate in their cooperation with the prosecution, recant, or testify on the defendant’s behalf. They may also “consent” to sexual activity with their assailant at some point following their assault. These behaviors create significant difficulties in the prosecution of an intimate partner assailant and require explanations by the victim or an expert.¹⁴

◀ Despite the extent of the research on domestic and sexual violence, many jurors still believe stereotypes about sexual and domestic violence victim behavior.

¹⁰See Ben-David & Schneider (2005), stating “Despite considerable research and publications in professional and popular journals concerning rape, such myths continue to persist in common law reasoning” (p.385).

¹¹See e.g., Buel (1999), 50 *Obstacles to Leaving, a.k.a. Why Abuse Victims Stay*. The reasons haven’t changed.

¹²See generally Rennison (2002) discussing rationales behind reporting behavior).

¹³E-mail from Mr. Russell W. Strand, Chief, Family Law Enforcement Training Division, U.S. Army Military Police School, Fort Leonard Wood, MO (May 4, 2007 09:41:00 EST) (on file with author); see also, Herman (1992): “[s]ometimes people reenact the traumatic moment with a fantasy of changing the outcome of the dangerous encounter. In their attempts to undo the traumatic moment, survivors may even put themselves at risk of further harm. . . . Reliving a trauma may offer an opportunity for mastery, but most survivors do not consciously seek or welcome the opportunity” (pp.38-42).

¹⁴See Jennifer Long, INTRODUCING EXPERT TESTIMONY TO EXPLAIN VICTIM BEHAVIOR IN SEXUAL AND DOMESTIC VIOLENCE PROSECUTIONS (American Prosecutors Research Institute, 2007). To request a copy, please contact the National Center for the Prosecution of Violence Against Women at ncpvaw@ndaa.org or 703-549-9222. Electronic copies may also be downloaded at http://www.ndaa.org/pdf/pub_introducing_expert_testimony.pdf.

Overcoming Obstacles to the Successful Prosecution of Intimate Partner Sexual Assault

The prevalence of myths surrounding sexual and domestic violence creates significant barriers to the successful prosecution of intimate partner sexual assault, but prosecutors can take steps to overcome them.

First, prosecutors should ensure that they are charging aggressively yet within ethical bounds. Although some offices' policies create a higher burden for charging, the *Model Rules of Professional Responsibility* as well as the *National Prosecution Standards* set forth probable cause as the appropriate standard for charging.¹⁵ In addition to this standard, there are many factors a prosecutor may consider when making a charging decision. Section 43.6 of the *National Prosecution Standards* states: "The prosecutor should exercise his discretion to file only those charges that he considers to be consistent with the interests of justice."¹⁶ Some of the factors that may be considered in this decision include the following: probability of a conviction; nature of the offense; characteristics of the offender; possible deterrent value of prosecution to the offender and society in general; likelihood of prosecution by another criminal justice authority; and willingness of the offender to cooperate with law enforcement. Prosecuting intimate partner sexual assailants holds them accountable for their actions and is an integral part of public safety. It sends a message to the community that the behavior will not be tolerated. It also gives victims a voice, perhaps for the first time.

¹⁵NATIONAL DISTRICT ATTORNEYS ASSOCIATION NATIONAL PROSECUTION STANDARDS § 1.1, (2nd Ed. 1991) (stating, "The primary responsibility of prosecution is to see that justice is accomplished"); see also *Berger v. United States*, 295 U.S. 78, 88 (1935) (stating, a prosecutor's interest "in a criminal prosecution is not that [he or she] shall win a case but that justice shall be done").

¹⁶NATIONAL DISTRICT ATTORNEYS ASSOCIATION NATIONAL PROSECUTION STANDARDS § 43.6, (2nd Ed. 1991) (additional factors include: aid to other criminal justice goals through non-prosecution; interests of the victim; possible improper motives of a victim or witness; age of the offense; undue hardship caused to the accused; a history of non-enforcement of a statute; excessive cost of prosecution in relation to the seriousness of the offense; recommendations of the involved law enforcement agency; the expressed desire of an offender to release potential civil claims against victims, witnesses, law enforcement agencies and their personnel, and the prosecutor and his personnel, where such desire is expressed after the opportunity to obtain advice from counsel and is knowing and voluntary; and any mitigating circumstances.)

Next, prosecutors must approach intimate partner sexual assaults in a multidisciplinary manner.¹⁷ Unlike a victim of a random crime, a domestic violence victim's involvement with the criminal justice system may put her¹⁸ at risk of: losing her housing (e.g., if her abuser is the primary household wage-earner); losing her employment (e.g., if she repeatedly misses work in order to attend the numerous court appearances that may accompany the criminal and civil hearings related to her abuse); losing custody of her children (e.g., if the state feels she is unable to protect or provide for her children); losing financial support for herself and her children (e.g., if her abuser loses his job once he is convicted or sent to prison); losing her immigration status (e.g., if she is unable to qualify for a visa under VAWA provisions); and being prosecuted (e.g., if her attempts to protect herself or her children are not recognized as self defense). In addition, as discussed earlier in the article, victims of intimate partner sexual

◀ The prevalence of myths surrounding sexual and domestic violence creates significant barriers to the successful prosecution of intimate partner sexual assault . . .

¹⁷The discussion of a multidisciplinary approach is taken in large part from the following publication: Jennifer Gentile Long and Viktoria Kristiansson, *Taking a Process-Oriented Approach to Domestic Violence Prosecutions*, 1(9) THE VOICE (2007).

¹⁸See U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE STATISTICS, INTIMATE PARTNER VIOLENCE IN THE U.S. (1993-2004), available at <http://www.ojp.usdoj.gov/bjs/intimate/offender.htm> (indicating that in 2004, 96.9% of victims of intimate partner violence were female where the offender was male); see also U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE STATISTICS, INTIMATE PARTNER VIOLENCE IN THE U.S. (1993-2004), available at <http://www.ojp.usdoj.gov/bjs/intimate/table/women.htm> (indicating that in 75.3% of cases in 2004, offenders of intimate partner violence were male, regardless of the victim's gender); see U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE STATISTICS, VICTIMIZATION RATES FOR PERSONS AGE 12 AND OVER, BY GENDER AND AGE OF VICTIM AND TYPE OF CRIME (2005), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/cvus05.pdf> (indicating that between 1994 and 2005, the average annual percentage of rape and sexual assault offenders who were male was 96.4%, and that a male's risk of suffering rape or sexual assault is statistically 0.0%). For this reason, the pronoun "she" is used when referring to a victim and the pronoun "he" is used to refer to the perpetrator; however, the principles discussed apply regardless of the sex of the victim or the perpetrator.



► By working with community advocates, prosecutors can help victims procure counseling, create a safety plan, obtain assistance with childcare, secure or maintain housing, and receive vocational training or assistance with a current employer.

► Supported victims—ones whose concerns are being addressed—are more likely to cooperate in the prosecution of their abusers . . .

assault feel a deep sense of betrayal over their assaults. They also engage in self-blame.

Prosecutors must identify and form relationships with community advocates and agencies to address and attempt to resolve the collateral problems domestic violence victims face as a result of their abuse and to address the emotional distress caused by the assault. Prosecutors alone are not able to provide victims with the attention, advocacy, and resources required to address and resolve the victim's needs. By working with community advocates, prosecutors can help victims procure counseling, create a safety plan, obtain assistance with childcare, secure or maintain housing, and receive vocational training or assistance with a current employer.

Community advocates can also help safeguard a victim's privacy. Commonly, defense attorneys seek access to victims' medical and psychological history. In addition to the embarrassment victims suffer when this information is exposed, the mere threat of exposure often is enough to dissuade a victim's cooperation. Depending upon the laws of the jurisdiction where the case is pending, the prosecutor may not have standing to protect the victim against defense attempts to access this history. In these jurisdictions, community legal advocates are critical to protecting the victim's privacy.

Supported victims—ones whose concerns are being addressed—are more likely to cooperate in the prosecution of their abusers, since many of the risks and fears that normally would act as obstacles to their participation will be erased upon the prosecutor's collaboration with other support agencies. Providing victims with the counsel and support they need helps to ensure offender accountability by increasing the number of victims who are able and willing to cooperate in their abuser's prosecution.

Third, prosecutors can explain the context of an intimate partner sexual assault by introducing evidence of an assailant's other bad acts.¹⁹ The introduction of other acts can demonstrate the defendant's intent with respect to the intimate partner sexual assault for which he is currently on trial. For example, a defendant's prior violent history with a victim may be relevant to explain her lack of resistance. If the victim has been previously

¹⁹See, e.g., Fed. R. Evid. 404(b). Before preparing and filing motions to 404(b), prosecutors should consult the rules and case law governing the admission of other acts evidence in their jurisdictions.

abused by her partner, her perception of her batterer's ability to cause her imminent harm, even where there has been a passage of time between her batterer's threat and the rape, is well-grounded. In cases where a victim experiences a cycle of violence, evidence of the dynamics of the victim's relationship and specifically the cycle of violence demonstrates the increasing frequency and severity of the batterer's assaults on the defendant. Domestic violence victims' experience of the repeated violent cycles enable them to predict their partner's impending violence based upon his behavior preceding previous assaults of the victim. Therefore, evidence of the defendant's victimization by the batterer and the cyclical nature of her relationship is relevant and may be admissible establish that the victim's fear is reasonable and well-grounded.

Finally, prosecutors must understand the impacts of a victim's lack of cooperation, the doctrine of forfeiture by wrongdoing,²⁰ and the impact of *Crawford v. Washington* (2004) and *Davis v. Washington* (2006) on their ability to prosecute an intimate partner sexual assault. A prosecutor will rarely be able to successfully prosecute an intimate partner sexual assault of a competent adult victim²¹ without the victim's cooperation because of the difficulty in overcoming the consent defense. Therefore, if a victim is unavailable at the time of trial, the prosecutor must determine whether her unavailability was caused by the abuser. If this is the case, prosecutors must prepare for a forfeiture hearing. During this hearing, the prosecutor can introduce the history of abuse between the defendant and the victim; prior charges filed, even if they were withdrawn; testimony from bond hearings; testimony from prior cases; evidence from police, a prior prosecutor, family, or friends about the victim's fear of the defendant; evidence about the victim's fear of testifying in prior cases; and anything else that shows the defendant did something to prevent the victim from testifying. Significantly, hearsay is permissible at a forfeiture hearing.²² If the prosecution successfully establishes forfeiture by wrongdoing, the defendant is precluded from objecting to the introduction of a victim's testimonial statements.



◀ In cases where a victim experiences a cycle of violence, evidence of the dynamics of the victim's relationship and specifically the cycle of violence demonstrates the increasing frequency and severity of the batterer's assaults on the defendant.

²⁰See, e.g., Fed. R. Evid. 404(b). Before preparing and filing motions to 404(b), prosecutors should consult the rules and case law governing the admission of other acts evidence in their jurisdictions.

²¹The term "*competent adult*" is used to represent those adults who are viewed by the legal system as competent. Please refer to state law for definitions or interpretations of what constitutes a *competent adult* in a given state.

²²Currently, *Giles v. California* is pending before the Supreme Court in which the question presented was: Does a criminal defendant "forfeit" his or her Sixth Amendment Confrontation Clause claims upon a mere showing that the defendant has caused the unavailability of a witness, as some courts have held, or must there also be an additional showing that the defendant's actions were undertaken for the purpose of preventing the witness from testifying, as other courts have held.

In the rare instance where an intimate partner sexual assault of a competent adult without the victim's cooperation is prosecuted, prosecutors must anticipate defense objections to the introduction of hearsay²³ as well as any "testimonial" statements under Crawford and Davis. Crawford held that testimonial statements of an unavailable witness can be admitted at trial only when the defendant has had a prior opportunity to cross-examine that witness. This holding was clarified in Davis, in which the Court explained that statements made to government agents for the primary purpose of receiving assistance in an ongoing emergency are nontestimonial. Statements are testimonial when circumstances objectively indicate there is no ongoing emergency and the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution.

Conclusion

Intimate partner sexual assaults pose significant challenges for prosecutors. In order to successfully prosecute these cases, prosecutors must overcome cultural bias, victim blaming, and domestic and sexual violence myth acceptance. Further, they must persuade judges and juries that intimate partner sexual assaults are serious cases that significantly impact the safety and well-being of the community. Prosecutors can debunk prevailing myths by understanding and explaining sexual and domestic violence dynamics and victim behaviors. They can overcome barriers by demonstrating the context in which an intimate partner sexual assault occurs. They can also persuade judges and juries to hold intimate partner sexual assailants accountable by ethically and aggressively charging and litigating intimate partner sexual assaults in a manner that exposes them as critical weapons in an offender's abuse of his partner. ○

References

- Ben-David, S., & Schneider, O. (2005). Rape perceptions, gender role attitudes, and victim-perpetrator acquaintance. *Sex Roles*, 53(5-6), 385-399.
- Bennice, J., & Resnick, P. (2003). Marital rape: History, research, and practice. *Trauma, Violence and Abuse*, 4(3), 228-246.
- Buel, S. (1999). 50 Obstacles to leaving, a.k.a. Why abuse victims stay. *Colorado Bar Journal*, 28(October), 19.
- Crawford v. Washington, 541 U.S. 36 (2004)
- Davis v. Washington, 126 S.Ct. 2266 (2006)
- Finkelhor, D. & Yllo, K. (1985). *License to rape: Sexual abuse of wives*. New York: The Free Press.
- Herman, J. (1992). *Trauma and recovery*. Boulder: Basic Books Inc.
- Mahoney, P. (2000). *The wife rape fact sheet*. Retrieved January 4, 2009, from www.musc.edu/vawprevention/research/wiferape.shtml
- Rennison, C. (2002, October). *Rape and sexual assault: Reporting to police and medical attention, 1992-2000*. Retrieved January 4, 2009, from <http://www.ojp.usdoj.gov/bjs/abstract/rsarp00.htm>
- Restricted reporting*. (2008). Retrieved December 19, 2008, from <http://www.sapr.mil/HomePage.aspx?Topic=Sexual%20Assault&SubTopic=Reporting%20Sexual%20Assault&PageName=Restricted.htm>
- Russell, D. (1990). *Rape in marriage*. Bloomington: Indiana University Press.
- Valliere, V. (2007). Understanding the non-stranger rapist. *The Voice*, 1(11), 5.
- Walker, L. (1992). Battered woman syndrome and self defense. *Notre Dame Journal of Ethics and Public Policy*, 6, 321-326.
- Walker, L. (1984). *The battered woman syndrome*. New York: Springer Publishing.

²³Fed. R. Evid. 803.

A Guide

for Developing Tools to Assess for Sexual Assault Within the Context of Domestic Violence

Compiled by Kathleen Arledge, MSW



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This guide will assist the practitioner in developing screening questions that validate the victim's experiences. The goal is to empower victims to overcome barriers to obtaining help and gaining access to resources.

1. Rapport should be built with the victim before screening questions are asked.
2. Questions should use specific language when referring to the crime. Words such as hurt, threatened, or forced should be clarified by the interviewer (i.e. did she/he hurt you vs. did she/he hit or push you).
3. Due to rape myths, some victims of intimate partner sexual violence may not consider the crime a "rape." Screening questions should use phrases such as "sexual activity" or "intimate experience."
4. Questions should be open-ended and designed to facilitate disclosure.
5. Persons asking questions about sexual activities should first receive training in how to discuss sexual histories and experiences in a non-threatening, non-judgmental manner.
6. Before asking the questions, the interviewer should decide what they will do if the victim provides information that indicates a sexual assault.

Before asking the victim such questions, the interviewer must know the answers to the following questions (taken from Mahoney & Williams, 1998):

- *What kind of answers would lead you to believe that an intervention is warranted?*
- *What kind of intervention are you prepared to make?*
- *What further questions would you need to ask?*
- *What resources and/or information do you have to offer?*

► Survivors of Intimate Partner Sexual Violence often hesitate to define their experience as rape. In addition, there are many reasons why a survivor may never tell a practitioner about the sexual assault, despite the practitioner's efforts to screen victims.

Possible Screening Questions:

The following list of screening questions has been synthesized from various scholarly resources, notably Mahoney & Williams (1998). This is not an exhaustive list of questions, and they have not been systematically evaluated. These questions are designed to facilitate disclosure from the victim. They are not intended for verbatim use; the interviewer should make necessary revisions to fit specific assessment situations.



1. Have you ever been intimate with your partner when you didn't want to?
2. Does your partner ever force you to be intimate? How often does this happen and when did it happen last?
3. Have you ever been intimate with your partner because you were afraid of him/her?
4. Are there times when sex between you and your partner is unpleasant for either one of you? What happens to make it unpleasant?
5. Do you and your partner ever have disagreements about sex: for example, when and how often to have sex? How do you resolve those disagreements?
6. Do you think you and your partner enjoy your sexual relationship equally?
7. Has your partner ever made you have a sexual experience when you had too much alcohol to drink or when you've taken something (drugs, etc.) that made you unable to consent?
8. Has your partner ever forced or pressured you into doing things that you weren't comfortable with? What were they?
9. Has your partner ever forced you to have a sexual experience by using a weapon, or by physically hurting you?
10. Has your partner ever forced you to have a sexual experience by kidnapping you, or by breaking into your home/office/car, etc?
11. Have you ever had sex with your partner because he has threatened, pressured, forced, or hurt you? What happened? (Note to interviewer: Based on your assessment of the situation, clarify for the victim what you mean by threat, pressure, force, etc.)
12. Has your partner ever had sex with you when you were physically or mentally unable to say yes or agree to the activity?
13. Have you ever "given in" to a sexual encounter with your partner to avoid fighting or being hurt?
14. Have you ever had a sexual encounter because you felt overwhelmed by your partner's continual arguing and/or pressure?
15. Has your partner ever touched you in a sexual way that has made you feel uncomfortable?
16. Has your partner ever said or done sexually degrading things to you?

Follow-up Questions:

These follow-up questions (Fribley & Trujilo, 2006) have been designed to solicit more information from the victim after the preceding screening questions have been asked. These questions solicit additional information from the victim when the initial screening question is closed-ended and the victim has given a positive response to that question.



1. How long has this sexual abuse/behavior been occurring in your relationship?
2. How often does the sexual abuse occur?
3. Are there any patterns between the physical and sexual abuse in your relationship?
4. Have you noticed any change in the frequency or severity of abuse in your relationship?
5. Was there ever any force or pressure involved?
6. Have you ever told anyone or received help?
7. Who did you tell or what type of help did you receive?
8. How has the sexual abuse in your relationship impacted you?
9. Have you noticed any physical or medical changes with your body?
10. What have been the emotional or psychological effects you've experienced as a result of the sexual abuse?
11. How can I help you?

References

Fribley, C. & Trujilo, O. *Sexual violence within the context of DV*. Praxis International Audio Conference Call, September 2006.

Mahoney, P. & Williams, L. (1998). Sexual assault in marriage: Prevalence, consequences and treatment of wife rape. In J. Jasinski & L. Williams (Eds.), *Partner violence: A comprehensive review of 20 years of research*. Thousand Oaks, CA: Sage.

Successfully Investigating IPSV: Considerations for Law Enforcement

National Center for Women & Policing

This article was originally published under the heading of *Special Considerations – Domestic Violence Victims* in the document ***Successfully Investigating Acquaintance Sexual Assault: A National Training Manual for Law Enforcement***. The manual was developed by the National Center for Women & Policing, and their permission to reprint this excerpt is most appreciated. The complete manual is available on the National Center for Women & Policing website (www.womenandpolicing.org).

Sexual assault is common in relationships where there is domestic violence. In fact, according to *Rape In America: A Report to the Nation*, a research report conducted by the National Victim Center and the Crime Victims Research and Treatment Center (1992), 9% of rape victims were assaulted by their husbands.

Despite the pervasiveness of these crimes, the criminal justice system and society often find marital sexual assault a difficult issue to address because of misperception and biases.

▲ Sexual assault is common in relationships where there is domestic violence.

Considerations

Because of the intimate and often dependent relationship between these perpetrators and victims, concerns unrelated to the sexual assault may affect the response by both the victim and criminal justice system. For example, many victims who have been sexually assaulted by an intimate partner refuse to cooperate with the investigator due to the following concerns:

- The victim may perceive the criminal justice system as unable to protect her from similar future assaults.
- When the husband or partner is the economic provider for the family and/or the father of the children, the decision to confront the perpetrator and report the crime means risking loss of income and economic stability. In addition, the victim may fear not having an appropriate living arrangement for herself and her family after she has reported the crime to law enforcement.
- Victims also fear the well-being of the victim's children will not be addressed sufficiently if they try to leave their spouse or partner.
- Finally, many victims of spousal and partner sexual assault do not report the crime immediately after the assault because they believe the societal misconception that rape cannot occur within the sanctity of marriage or an intimate relationship. Religious and social beliefs may also function to keep women in a relationship where they are being sexually assaulted. [The complete manual *Successfully Investigating Acquaintance Sexual Assault* includes a more detailed discussion on other significant cultural issues in the sections titled *Women of Color*, *Foreign-Born*, and *Non-English Speaking*.]



Suggestions

- The victim's needs for safety must be assessed and her wishes respected by the investigator at all times. These victims have often been physically and sexually assaulted over a long period of time and may fear severe retaliation by the perpetrator for reporting the crime. In order to complete a comprehensive investigation, the victim must therefore be referred to support services that provide a protective environment and allow the victim to feel safe in divulging all the details of the crime.
- Law enforcement must recognize that sexual assault does not distinguish among victims; spouses, partners and lovers may be either victims or perpetrators of sexual assault. In addition, simply because one may have given consent in the past for sexual intimacy does not mean that the consent is irrevocable.
- In addition, domestic violence and sexual assault are not crimes exclusive to heterosexual relationships. Same-gender partnerships also experience domestic violence and sexual assault. It is important for the investigator to sort through his/her feelings about "same sex" relationships so that he/she can treat all victims with dignity, respect, and compassion.
- Victims who are sexually assaulted by spouses or partners often blame themselves for the crime. It is therefore important during the interview process to reassure the victim that the responsibility for the sexual assault lies solely with the perpetrator.
- Law enforcement officers should be familiar with services in their area that address the specific needs of victims who have been assaulted by a spouse or partner, including, temporary shelter, temporary care of children, crisis counseling, and protection from retaliation by the partner for reporting the sexual assault.
- Investigators should also be aware of the fact that sexual assault is common in relationships where there is domestic violence and make a point to include questions about sexual assault in all domestic violence investigations. For example, the investigator should ask the victim; "Have you ever been forced to have sex when you didn't want to?"
- Investigators must be aware that the statutes that apply to domestic violence crimes also apply in cases of sexual assault by a family or household member of the victim.
- This type of crime is often the most difficult to investigate because the victim may "recant" out of fear or economic necessity. The investigator may be able to facilitate the cooperation of the victim by building trust with the victim and providing her with all of her options for protection and support services. 

Reference

National Victim Center & Crime Victims Research and Treatment Center (1992). *Rape in America: A report to the nation*. Retrieved July 10, 2009 from http://academicdepartments.musc.edu/ncvc/resources_prof/rape_in_america.pdf

*For information about becoming a member of WCSAP,
please e-mail us at wcsap@wcsap.org, or call (360) 754-7583.*

Washington Coalition of Sexual Assault Programs

WCSAP

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Olympia, WA 98503
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(360) 709-0305 TTY
(360) 786-8707 FAX

www.wcsap.org



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VANCOUVER POLICE DEPARTMENT

Case Number: _____

Crime Classification: _____

DOMESTIC VIOLENCE REPORT

Date/Time Occurred: _____ Time Reported: _____

Victim's Name: _____

Victim's Home # _____ Victim's Work # _____

Parent/Friend Contact Phone Number: _____

First Person told about incident (not 911/police) Name/phone _____

Suspect's Name: _____

CRIME DESCRIPTION / EVIDENCE	
VICTIM <input type="checkbox"/> Angry <input type="checkbox"/> Apologetic <input type="checkbox"/> Crying <input type="checkbox"/> Fearful <input type="checkbox"/> Hysterical <input type="checkbox"/> Calm <input type="checkbox"/> Afraid <input type="checkbox"/> Irrational <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Other: Explain <input type="checkbox"/> Complain of Pain <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Abrasion(s) <input type="checkbox"/> Minor Cut(s) <input type="checkbox"/> Laceration(s) <input type="checkbox"/> Fracture(s) <input type="checkbox"/> Concussion(s) <input type="checkbox"/> Other: Explain <input type="checkbox"/> Strangulation (complete questions bottom of page 3)	SUSPECT <input type="checkbox"/> Angry <input type="checkbox"/> Apologetic <input type="checkbox"/> Crying <input type="checkbox"/> Fearful <input type="checkbox"/> Hysterical <input type="checkbox"/> Calm <input type="checkbox"/> Afraid <input type="checkbox"/> Irrational <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Other: Explain <input type="checkbox"/> Complain of Pain <input type="checkbox"/> Bruise(s) <input type="checkbox"/> Abrasion(s) <input type="checkbox"/> Minor Cut(s) <input type="checkbox"/> Laceration(s) <input type="checkbox"/> Fracture(s) <input type="checkbox"/> Concussion(s) <input type="checkbox"/> Other: Explain <input type="checkbox"/> On Probation/Parole
MEDICAL TREATMENT <input type="checkbox"/> None <input type="checkbox"/> Refused Medical Aid <input type="checkbox"/> Paramedics / Unit Number _____ <input type="checkbox"/> Name(s) / ID Numbers: _____ <input type="checkbox"/> Taken to Hospital <input type="checkbox"/> Hospital: _____ <input type="checkbox"/> Will Seek Own Doctor, Hospital or Clinic: _____ <input type="checkbox"/> Physician Attending: _____	PHYSICAL EVIDENCE Photos of Scene <input type="checkbox"/> Yes <input type="checkbox"/> No Photos of Victim's Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Referred for Follow-up Photos of Suspect's Injuries <input type="checkbox"/> Yes <input type="checkbox"/> No Weapon Used During Incident <input type="checkbox"/> Yes <input type="checkbox"/> No Type of Weapon Used _____ Weapon(s) Impounded <input type="checkbox"/> Yes <input type="checkbox"/> No Firearm(s) Impounded for Safety <input type="checkbox"/> Yes <input type="checkbox"/> No Drugs / Alcohol Involved <input type="checkbox"/> Yes <input type="checkbox"/> No Victim Drugs <input type="checkbox"/> Yes <input type="checkbox"/> No / Dk <input type="checkbox"/> Yes <input type="checkbox"/> No Suspect Drugs <input type="checkbox"/> Yes <input type="checkbox"/> No / Dk <input type="checkbox"/> Yes <input type="checkbox"/> No Reporting Person: <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Other _____

WITNESSES

Witnesses Present During Domestic Violence? ☐ Yes ☐ No
Statement(s) Taken? ☐ Yes ☐ No
Elders Present During Domestic Violence ☐ Yes ☐ No
Children Present During Domestic Violence? ☐ Yes ☐ No Number present _____ Ages _____
Statement(s) Taken? ☐ Yes ☐ No
Witness Info. Listed In Continuation Report? ☐ Yes ☐ No

RELATIONSHIP BETWEEN VICTIM AND SUSPECT

Mark all that apply:

☐ Adult Relative ☐ Spouse ☐ Former Spouse ☐ Cohabitants
☐ Dating / Engaged ☐ Former Dating ☐ Same Sex ☐ Emancipated Minor
☐ Parent of Child from Relationship

Length of Relationship _____ Year(s), _____ Month(s)
If Applicable, Date Relationship Ended: _____

PRIOR HISTORY

Prior History of Domestic Violence? ☐ Yes ☐ No
Prior History of Violence Documented? ☐ Yes ☐ No
☐ Police Report(s)
☐ Medical Report(s)
☐ Other _____

COURT ORDERS: ☐ Yes ☐ No
☐ Current ☐ Expired ☐ Served ☐ Pending Service
TYPE: ☐ No Contact Order ☐ Restraining Order ☐ Protection Order

Issuing Jurisdiction: _____

Order Number: _____ Expiration Date: _____

VICTIM GIVEN: ☐ Information for Domestic Violence Victims

COMPLETED DOCUMENTS ATTACHED:

☐ Smith Affidavit ☐ Medical Release Form

CHILD PROTECTION SERVICES 993-7901 (after hours 1-800-562-5624 / Press 9 for Police)

☐ Needed ☐ Notified

ADULT PROTECTIVE SERVICES (1-877-734-6277)

☐ Needed ☐ Notified

Reporting Officer: _____

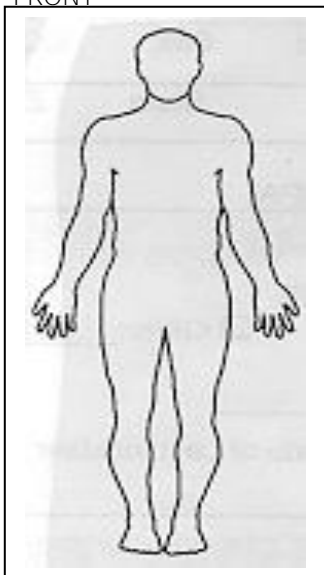
PSN: _____

DATE: _____

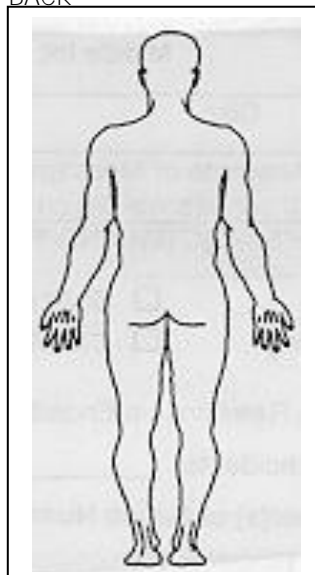
PLEASE DRAW ON DIAGRAM(S) THE LOCATION OF ANY INJURIES

VICTIM'S INJURIES

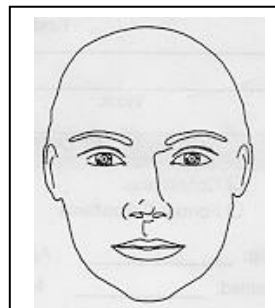
FRONT



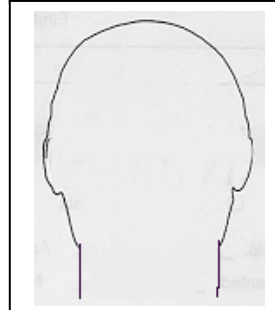
BACK



HEAD
FRONT

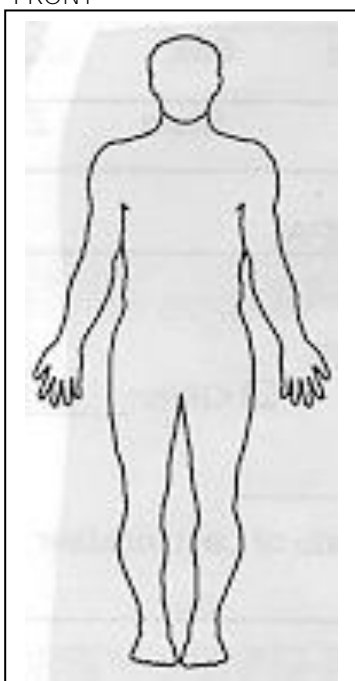


HEAD
BACK

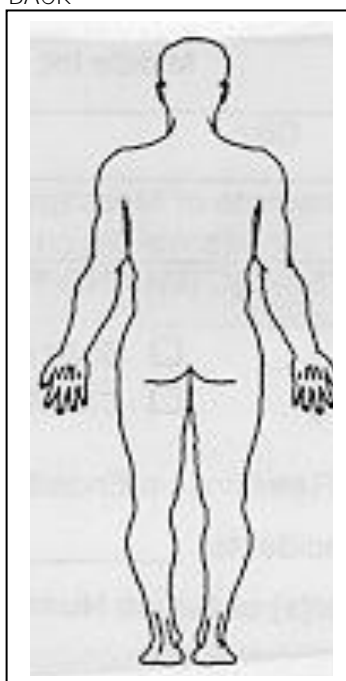


SUSPECT'S INJURIES

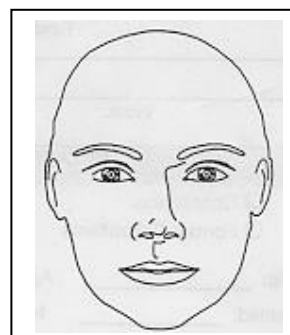
FRONT



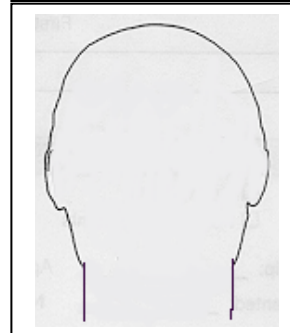
BACK



HEAD
FRONT



HEAD
BACK



Strangulation Questions for Victim and/or Officer Observations

- | | |
|--|--|
| <input type="checkbox"/> Difficulty/Pain Swallowing | <input type="checkbox"/> Difficulty Breathing afterwards |
| <input type="checkbox"/> Change in Normal Voice | <input type="checkbox"/> Vision problems during or after |
| <input type="checkbox"/> Uncontrolled Urination/Defecation | <input type="checkbox"/> Loss of Breath during or after |
| <input type="checkbox"/> Petechiae (eyes, cheeks, behind ears) | <input type="checkbox"/> Visible Injury to neck/throat/behind ears |
| <input type="checkbox"/> Loss of Consciousness | |

CLARK COUNTY WASHINGTON

DOMESTIC VIOLENCE VICTIM NOTIFICATION

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint.

You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following:

- (a) An order restraining your abuser from further acts of abuse;
- (b) An order directing your abuser to leave your household;
- (c) An order preventing your abuser from entering your residence, school, business, or place of employment;
- (d) An order awarding you or the other parent custody of or visitation with your minor child or children; and (e) An order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

The forms you need to obtain an Order for Protection are available at:

Clark County Clerk's Office

Ground Floor, Courthouse
1200 Franklin Street,
Vancouver, Washington 98668

AN ORDER FOR PROTECTION IS IMPORTANT!

It lets the Respondent and the Police know that you are serious in your determination to be safe. **Violation of an Order is a crime.** If the Respondent threatens or harms you, or comes to a place the Court has ordered him or her to stay away from, call 9-1-1.

WHAT DOES AN ORDER FOR PROTECTION DO?

A Protection Order may allow law enforcement officers to arrest the Respondent if:

- Respondent causes you or your minor children physical or sexual harm.
- Respondent molests, harasses or threatens you or your children.
- Respondent interferes with child custody.
- Respondent takes your children out of state.

An Order may remove the Respondent from the family home. An Order **CANNOT**:

- Set or order child support
- Assign property to either party
- Establish permanent child custody
- Grant permanent use of the family home

The issues must be decided in separate court actions. Violation of the terms of the Order for Protection may result in the filing of criminal charges against the Respondent.

WHAT WILL IT COST?

The forms are free. Ask for the forms at the Superior Court Clerk's Office, ground floor of the Clark County Courthouse, 1200 Franklin Street, Vancouver, Washington 98668. Check with the court for the current filing fee.

For Assistance and filing information, call:

Victim Witness Assistance: (360) 397-2008

The Respondent must be served with copies of the legal papers. The Sheriff (or anyone who is at least 18) must personally give (serve) a copy of the Protection Order to the Respondent. You cannot serve the order yourself.

You may change or end a Temporary or Permanent protection Order if you go back to the Court. Until a Judge modifies (changes) or terminates (ends) your order, it will be enforced.

HOW DO YOU GET A PROTECTION ORDER IN CLARK COUNTY?

STEP ONE – GET PROTECTION ORDER FORMS

You may obtain free forms from the Superior Court Clerk in the Courthouse. Business hours are 8:30 a.m. to noon, 1 p.m. to 4:30 p.m. The telephone number is 699-2292.

STEP TWO – COMPLETE THE FORMS

STEP THREE – JUDGE'S SIGNATURE

Return to the Court Clerk's Office at 1 p.m. for Judge assignment. You will be told which Judge is signing Temporary Orders that day. File the signed forms with the Court Clerk.

STEP FOUR – RESPONDENT NOTIFIED

The Respondent must be served with a copy of the Protection Order and a notice of hearing.

STEP FIVE – HEARING

Protection Order hearings are on Wednesdays at 3 p.m. Your hearing will be about two weeks from the time the Judge signs the Temporary Order. PLEASE READ YOUR COURT PAPERS FOR THE EXACT DATE, TIME AND DEPARTMENT FOR YOUR HEARING.

NOTE: Criminal charges resulting from an arrest for Domestic Violence are heard in District Court. Victim Witness (360-397-2008) has information on the criminal process.

YOU ARE NOT ALONE!

If you are the victim of domestic violence you have a right to legal protection. Because of the different situations victims face, criminal prosecution is not always the answer...SOMETIMES IT IS NOT ENOUGH. For this reason, Washington State created a civil action that victims can use. It is known as the Domestic Violence Protection Order.

WHO CAN BE PROTECTED?

If you or your children are the victims of physical or sexual abuse, or threatened abuse, you can be protected under the Domestic Violence Protection Act. This applies if you are related to the abuser as a family member, are or were married, have ever lived together or have a child together.

WHERE TO GO FOR HELP

Go to the Superior Court Clerk's Office to obtain a packet of forms necessary to file for a Protection Order. For help completing the forms, please call the YWCA at 696-0167.

WHAT WILL HAPPEN?

You fill out forms that ask (petition) the Court for a Temporary Order of Protection. In the forms the victim is called the "Petitioner" and the abuser is called the "Respondent". The forms ask for information such as the date of birth of the Respondent and a place to serve the Respondent with legal papers. The Judge reads the information on the papers and signs the Order if appropriate. The Court Clerk files the approved papers and gives you a certified copy.

YOU WILL NEED TO ARRANGE TO HAVE THE RESPONDENT SERVED A COPY OF THE ORDER.

Obtaining an order takes two steps:

- A temporary Order for Protection is issued immediately at the time the Judge signs the forms. You will have protection until a Court hearing is held in about two weeks.
- In about two weeks, a full Order for Protection – lasting for one year – may be issued at a Court hearing. This would be after the Respondent was served with the Temporary Order and notice of the Court hearing. You must attend this hearing.

PLEASE ARRANGE FOR CHILDCARE. THE PROCESS CAN TAKE SEVERAL HOURS.

911	EMERGENCY (police, fire, ambulance)	695-5975	Pro Bono Clinic (Legal Help)
696-9560	Crisis Hot Line (24 Hr. Clark County)	735-8862	Clark County Prosecuting Attorney
834-5890	(24 Hour East County)	397-2008	Victim/Witness Unit
687-7126	Parent Trust of WA – (support group)	737-6002	Child Abuse Intervention Center
696-0167	Sexual Assault Hotline – 24 Hour	696-0167	Protection Order Assistance / YWCA
695-0501	Safe Choice (Women's Emergency	397-2292	Superior Court Clerk – Clark County
	Housing (24 Hours)	397-2424	District Court Clerk – Clark County
993-7901	Children's Protective Services	694-8899	Clark County Information & Referral Service
1-877-846-3492	www.Vinelink.com for Notification of Offender Release from jail/prison		

The Clark County YWCA can provide assistance to victims of Domestic Violence with PETS.

For Notification of when the offender is released from jail, please see the Vinelink website and phone number listed above. This is a FREE service for victims.

Statement of: _____ Date of Birth: _____

Residence Phone: _____ Work Phone: _____

[illegible]

IF Yes, By Whom? _____

(Circle one) YES NO By whom? _____

Are you injured? (Circle one) YES NO

Will you seek / need medical aid? (Circle one) YES NO If YES, where? _____

When did the incident occur? _____

Where did this incident occur? _____

Has this person done this type of thing to you before? (Circle one) YES NO

If YES, when and where? _____

Was a police report made? (Circle one) YES NO

What was occurring just prior to this incident? _____

Were you given a Domestic Violence Information Pamphlet? (Circle one) YES NO

If NO, explain why a pamphlet was not left and/or needed: _____

Additional comments (list possible witnesses, the presence of children or any other pertinent information):

Do any of the following apply the suspect now or in the past?

- | | |
|--|--|
| <input type="checkbox"/> Guns Present in the home | <input type="checkbox"/> Choked (strangled) you |
| <input type="checkbox"/> Threats to use the Weapon against you or another person | <input type="checkbox"/> Abuses alcohol or drugs |
| <input type="checkbox"/> Recent or previous Assaults against you with weapons | <input type="checkbox"/> Mental health history/diagnosis |
| <input type="checkbox"/> Threats to kill you or others | <input type="checkbox"/> You have told suspect you're leaving |
| <input type="checkbox"/> Recent Loss of job/family/member/stressors | <input type="checkbox"/> You are in the process of leaving suspect |
| <input type="checkbox"/> Have you contemplated/threatened/attempted suicide | <input type="checkbox"/> Injured or killed pets |
| <input type="checkbox"/> Stalking/Controlling Behavior | <input type="checkbox"/> Violent towards children |
| <input type="checkbox"/> Said "If I can't have you, no one will" | <input type="checkbox"/> Recently Increased level of violence |
| <input type="checkbox"/> Destroyed cherished items | <input type="checkbox"/> Assaulted you while you were pregnant |
| <input type="checkbox"/> Accused you of cheating | <input type="checkbox"/> You are Currently Pregnant |
| <input type="checkbox"/> Tried to control your daily activities | <input type="checkbox"/> Been Violent outside your relationship |
| <input type="checkbox"/> Have either of you recently filed for divorce/child custody | <input type="checkbox"/> Forced you to have sex |

If any of the above incidents were recent (within the past year) please explain:

I have written, or had this statement written for me and this statement truly and accurately reflects my recollection of this incident. The police officer has explained to me I have to certify or declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

Name of Officer who explained this form to me: _____

I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct:

SIGNED this _____ day of _____, 20____, at (city/state) _____

Signature _____ Printed Name _____

Witnessed by: _____



IACP

Sexual Assault Incident Reports

INVESTIGATIVE STRATEGIES

The following guidelines and interview strategies are based upon national best practices regarding sexual assault incident investigations and were developed in collaboration with local, state, and federal law enforcement, prosecutors, advocates, medical, and forensic professionals. The goal of these guidelines is to support officers and departments in preparing sexual assault cases for successful prosecution through detailed case documentation and thorough investigations.

NOTE: These guidelines are not intended for use when the victim is a minor.

Standardizing Case Coding and Clearance Practices

Throughout the country sexual assault cases are coded according to different criteria using varied terminology, resulting in confusion and miscommunication within the criminal justice system about these crimes. With the goal of building stronger sexual assault cases and attaining higher rates of prosecution, uniformity in case coding terminology and reporting procedures will create common professional standards.

Assign a tracking number for every reported sexual assault offense and document each report in writing.

- Even if an incident does not meet the elements of a sexual offense, a written report should be saved as an information report. Preserving information reports affords potential pattern identification with serial offenders, a return to cases as more information develops, and promotes supervisory review.

All reports should be taken as valid unless evidence proves otherwise.

- Do not rush to decide if a report is an information or crime report. This decision should be based on evidence collected through the investigation.
- A report should not be labeled “false” or unfounded as a result of the initial victim interview or perceived victim reaction to the sexual assault.
- Victims of sexual assault may recant or decline prosecution for various reasons (e.g. fear of retaliation by the offender, concern about not being believed, hesitancy regarding the criminal justice system, and loss of privacy). A victim’s reluctance to participate is neither indicative of a false report nor reason to forego a strong, evidence-based investigation.
- Case coding and clearance decisions should be based on careful analysis of evidence identified through an investigation.

Case Cleared: An open case is investigated and proceeds through the criminal justice system, or no formal charges are issued due to elements beyond law enforcement control (i.e. death of offender, prosecutor declines to take the case after an offender has been identified, offender is arrested but will be prosecuted in a different jurisdiction).

Case Inactivated/Unsubstantiated Report: A case is removed from the active caseload but remains technically open pending possible future investigative developments.

Information Report: Incident that does not currently meet the elements of a crime but the information is filed/preserved for future evidence or criminal connections.

Case Unfounded: An investigation shows that an offense was not committed or attempted. Cases can be coded as unfounded because they are either baseless or false.

Unfounded, baseless: A case does not meet the elements of a crime or was improperly coded as a sexual assault.

Unfounded, false: Evidence obtained through an investigation shows that a crime was not committed or attempted.

Report Writing

Strong sexual assault cases require strong written reports. A thorough report will identify on-scene evidence and document details from the victim's and suspect's accounts of the incident. This will assist those investigating to overcome consent challenges and serve to refresh memories for court testimony. A high level of detail in the report and in the officer narrative will help move a case towards prosecution.

When writing the report:

Ask the victim to describe the assault, listing as many details and feelings as possible.

- It is critical to capture the details necessary to establish elements such as premeditation/grooming behavior by the perpetrator, coercion, threats and/or force, and traumatic reaction during and after the incident (e.g. demeanor, emotional response, changes in routines or habits).
- Document the elements of the crime by asking the victim to tell you what they thought, felt, and feared at the time of the assault.
 - What was the victim experiencing before, during, and after the sexual assault?
 - What did the victim see, smell, taste, hear, or touch during the incident?
- Document the victim's condition as observed.
- Fully document fear by recording all fight, flight, or freeze reactions the victim exhibited. For example, the victim may describe feeling unable to move.
- Silence is not consent. "No" or resistance is communicated through more than just words. Detail and corroborate what "No" looked or felt like for the individual victim in your report (e.g. looking away, closing eyes, positioning or moving body).

- Create a timeline to show trauma/post-assault behavior of the victim in context of previous behavior. For example, document dramatic physical changes such as weight loss/gain or reported changes in daily routines and/or work performance.

Document all information given by the victim, even if it does not cast them in the best light.

- The reality is that victims who may be judged as unreliable witnesses may have been chosen by the perpetrator for that reason.
- Use the victim's exact words and place those words in quotations. Do not sanitize or "clean-up" the language used by the victim. Altered language may be used against the victim or officer in court.
- Every effort should be made to exclude officer opinion in the written report and to avoid asking leading questions. This can compromise the integrity of the entire report and the credibility of the victim and officer. It is normal for a victim to not know or remember complete details; do not try to fill in the gaps for them.
- If the victim was incapacitated as a result of voluntary alcohol or drug use, show why this is an issue of increased vulnerability rather than culpability.

Report Writing Considerations and Potential Suspect Defenses

The following are four common sexual assault defenses and strategies to counter these defenses in the written case report.

Denial: Collect and document evidence to establish that (nonconsensual) sexual contact did occur

Identity: Collect and preserve DNA samples from the victim and suspect, and other physical evidence from the crime scene(s); document witness statements

Consent: Document fear, force, threat, coercion and/or inability to consent

Impeachment by Contradiction: Document any changes in victim/witness statements, especially as additional details are recalled following the initial trauma/shock of the assault

NOTE: Because the majority of sexual assaults are perpetrated by someone the victim knows (even if just briefly or casually), the difficulties in prosecution are not based upon whether the correct suspect has been identified or sexual contact occurred. The burden for the prosecution is proving that the **act was non-consensual** (i.e. the perpetrator claims that the contact was consensual).

If the facts obtained from the investigation indicate use of force by the perpetrator, document using language that reflects this.

- If at some point a consensual encounter turned non-consensual, ask the victim to describe details about how and when the perpetrator's behavior changed.
- Documentation should reflect a lack of consent. Avoid wording that implies consent. For instance, "he forced his penis into her vagina" denotes lack of consent while "he had sex with her" implies consensual intercourse.
- In documenting force, be specific. "He threatened me" is vague. List the specific threats that were made, tones used, gestures and/or looks given.
- Victims may not be able to resist physically. This may be an indicator of force or fear and should be documented.
- Perpetrators of sexual assault generally use only as much violence as needed to attain submission. Force

or violence may not be overt if the perpetrator can commit the crime by using lesser means (i.e. a weapon isn't needed when you can use threats, alcohol, etc.)

- The mere presence of a perpetrator and/or the verbal tactics they employ can be seen as force and should be documented as such. An example of this is the *Use of Force Continuum* utilized by law enforcement that starts with the mere presence of an officer, followed by verbal commands. Should an individual comply with either of these, no additional force would be needed or justified.

If your department has specialized investigators:

- The first responder should conduct a preliminary interview gathering just enough information to determine whether the elements of a crime have been met and by whom.
- The in-depth interview should be left to the investigator in order to decrease account repetition and reduce the possibility of inconsistent information that could be used against the victim's credibility in court.

Victim Interview

Due to the particularly intimate and intrusive nature of sexual assault, the interview process may be difficult both for the victim and the officer. Recognize the significance the victim's initial contact with first responders and investigators will have on their trust in the criminal justice system. The treatment the victim receives during the interview may impact the victim's decision to go forward with the case.

To gather information from the victim, it is important to:

Respect the victim's immediate priorities.

- Attend to the victim's immediate health and safety concerns and questions about reporting and the criminal justice process before beginning the interview.
- Victims have a right to accept or decline all services. This does not mean that a thorough investigation should not be conducted.
- Help victims gain back a sense of control by involving them in the decision of when and where to hold the interview.

Build a rapport with the victim.

- Victims may know little about the investigative process and may find the criminal justice system confusing, intimidating, or even frightening. Explain all processes during each step of the interview and investigation. This creates transparency and trust for the victim while helping to restore the victim's sense of control.

- Assure the victim that they will not be judged and that the information reported is being taken seriously.
- Victims of sexual assault often blame themselves. Reassure victims that, regardless of their behavior, no one has the right to sexually assault them.

Ask the victim if they would like to have a support person present for the interview.

- It is best practice to allow victims to have an advocate or a support person of their choosing present during the medical exam and/or law enforcement interview. Ask the victim privately who they would like present and take action to support their wishes.
- While victims are entitled to have someone with them during the interview, look for signs of:
 - Hesitation from the victim in revealing all of the details of the assault in front of someone with whom they are close, like a spouse or parent.
 - Controlling or intimidating behavior by the support person towards the victim.
- Provide victims with written contact information for community referrals.

Forensic Medical Exam Payment

Under a provision of the VAWA Reauthorization Act of 2005 (U.S.C.A. § 3796gg), states must ensure that victims of sexual assault have access to a forensic medical exam, free of charge or with full reimbursement, even if the victim chooses not to report the crime to the police or otherwise participate with law enforcement authorities or the criminal justice system.

To be eligible for VAWA S.T.O.P. formula grant funds, all states must be able to certify in good faith that they are in compliance with the statutory eligibility requirements within VAWA on or before January 5, 2009.

Information about this 2005 statute and additional up-to-date information is available at: www.mcasa.org/C/4/C4.htm or at www.ovw.usdoj.gov/docs/FAQ_FINAL_nov_21_07.pdf

Recognize the impact of trauma and how this affects an individual's behavior.

- People react differently to trauma. Lack of emotion or the presence of emotion is not an indicator of the legitimacy of the assault, and either is common.
- Research shows that most victims of sexual assault never make a report to law enforcement. Of the victims who report, the majority do so after some delay. A delay in reporting should never deter a thorough investigation. A skillful prosecutor will be able to overcome any disadvantage a delay in reporting might cause when making the case in court.
- Most victims experience continuing trauma which may affect their physical, emotional, social, and economic state of being.
- Victims may experience difficulty remembering all the details of the sexual assault due to traumatic response. This does not mean they are lying or leaving out details intentionally. Often with time and as trauma recedes, details will emerge.
- After sufficient time to conduct a thorough investigation, schedule a follow-up interview to gather any information the victim may have missed or not recalled earlier and to ask about or clarify additional information learned.
 - Unless there are exigent circumstances requiring an arrest or identification, delaying the follow-up interview will generally enhance the investigation and the quality of information obtained.

Do not polygraph victims.

- The practice of submitting victims of sexual assault to a polygraph exam intimidates victims and destroys the trust victims and the community have with law enforcement. Polygraphing negatively affects law enforcement's chance to successfully investigate sexual assault crimes.

- It is important to note that the 2005 federal Violence Against Women Act has mandated that jurisdictions will no longer be eligible for S.T.O.P. formula grant funds if their policy or practice is to ask or require adult, youth, or child victims of sexual assault to submit to a polygraph examination or other truth telling device as a condition for taking the report, proceeding with the investigation of the crime, or pursuing charges.

Provide victims with information on how to obtain medical treatment and undergo a forensic exam.

- Explain the medical significance of a sexual assault forensic examination, including testing for sexually transmitted infections and HIV.
- Notify the victim of locations where a sexual assault forensic examination is available in the community. If department policy allows, transport the victim to the local rape crisis center or hospital.
- Should a victim initially decline a forensic medical examination, provide information as to where the victim may obtain an exam at a later time.
- Physical evidence can be collected up to 120 hours (in some states) following a sexual assault. The victim should be advised, however, that critical physical evidence and documentation of injuries may be lost with a delayed exam.

Do not pressure the victim to make any decisions regarding participation in the investigation or prosecution during the initial interview or initial stages of the investigation.

- Sexual assault victims are often reluctant to actively participate with case proceedings. Document any information the victim shares, as this may aid in the identification and apprehension of a serial offender.

- A victim's right to change their mind regarding moving forward with the investigation and prosecution should only be constrained by the statute of limitations. Even then, the victim may serve as a witness in another case involving the same suspect, so an interview and investigation should always be conducted.

- Pressuring a reluctant victim to sign a form stating that they are not interested in prosecution and will not hold the agency accountable for stopping the investigation is poor practice and is potentially damaging to an agency.
- Victim follow-up builds trust with victims and sends a message to the community about the seriousness with which an agency handles sexual assault crimes.

Suspect Interrogation

While investigative emphasis has historically focused on the victim's behavior, the reality of these crimes is that the suspect is often known to the victim and thus can be identified easily. An effective investigation will concentrate on gathering as much evidence as possible on the suspect.

Focus the investigation on the suspect rather than the victim.

- As with other crimes, focus should remain on the suspect, not on the victim's character, behavior, or credibility.
- If the suspect invokes the constitutional right to remain silent, investigating officers must still evaluate the circumstances of the assault in order to anticipate the suspect's defense strategy.

Allow the suspect ample opportunity to give an account of the incident.

- Many perpetrators of sexual assault will provide information in an attempt to justify their actions.

- Pretext phone calls are a strong tool to be considered when the victim and suspect know each other. The transcript from a monitored call can provide useful evidence as facts are corroborated and the suspect makes admissions or gives improbable statements. (*See Resources, page 8*)

Obtain consent or acquire a court order to secure a suspect forensic exam for probative evidence.

- Like the victim, the suspect's body carries evidence and can potentially confirm aspects of the victim's account (e.g. identifying marks, injuries).
- In some jurisdictions, a suspect forensic exam can be done incident to arrest or by requesting a court order for non-testimonial evidence.

Non-Stranger Sexual Assault

It is important for law enforcement to recognize that "stranger rape" (when the perpetrator is a complete stranger to the victim) is not the norm. 2005 Bureau of Justice Statistics indicate that 73% of reported female rape or sexual assault victims were assaulted by someone they knew. A non-stranger can be anyone who is in some way known to the victim. While it may be someone with whom the victim has had a long-standing relationship or friendship, it could also be someone who has made himself known to the victim within hours of the assault or someone who has established a casual acquaintance.

Investigation

Strong sexual assault investigations are supported by physical evidence and do not rely solely on the victim or the perceived credibility of the victim. Remember, the overall intent of any investigation is to be fair, balanced, and thorough. Gather all physical and testimonial evidence.

Build trust by partnering with the victim, showing respect, and remaining non-judgmental.

- A victim-centered approach will aid the interview process and allow for as much evidence to be gathered as possible.
- In most cases the suspect is familiar to the victim, so the victim may be able provide corroborating details and evidence.
- Remind the victim that, due to the nature of trauma, it is typical not to remember all of the details of the sexual assault. Think out loud with the victim to identify new information in the victim's account that may be used as evidence. This process may help jog additional memories.

Thoroughly investigate and document the suspect's conduct prior to the assault.

- Grooming behavior which may be indicative of premeditation is often used to test, select, and isolate victims and to make the potential victim feel comfortable and able to trust the perpetrator.
 - Why did the suspect choose this victim?
What might make her/him less credible and/or more vulnerable?
 - How did the suspect create a situation to build trust?
 - Did the suspect monitor the victim physically or through electronic means?
 - What was the role of alcohol and/or drugs?
 - Did the suspect isolate or attempt to isolate the victim?
 - Why was the specific location for the assault chosen?
- Sexual assault cases are typically portrayed as “he said/she said” but in reality are often “he said/**they said**” cases. Perpetrators of this crime frequently have a history of acts of sexual violence. Previously unreported offenses may be found by interviewing the suspect's social circles, current and former partners.

- Prior victims should be interviewed and their statements included in the current investigation.

Do not overlook the importance of witness statements/testimony.

- Victims will often confide in someone (e.g. a close friend). These individuals are considered “outcry witnesses” and their statement can provide powerful corroboration.
- Suspects often boast or brag about their sexual encounters to a friend or friends. These individuals are also considered “outcry witness” and their statement(s) can provide powerful corroboration of the details of the assault.

Keep in mind the co-occurring nature of violence against women crimes. What other crimes may have been committed?

- Sexual assault may occur in the context of domestic violence.
- Monitoring and surveillance are often pre-cursors to sexual assault. Look to see if stalking charges may apply.
- Remain open to the possibility of drug-facilitated sexual assault. Victims of a drug-facilitated assault may report black-outs, gaps in time and memory, and a general uncertainty as to whether or not an assault occurred.
- Additional crimes to look for include: theft, property damage, false imprisonment, human trafficking, kidnapping, abduction, administering an illegal substance, poisoning, witness tampering, etc.

Ensure every report, including every information report, is reviewed.

- Establish and train officers on guidelines and procedures adopted by the agency.
- Create a system to review the coding and clearing of sexual assault cases with particular attention to reports determined to be false or unfounded.

Working With Vulnerable Populations

Predators prey upon the vulnerabilities of others; therefore, victimization is often higher among certain populations. When investigating a sexual assault, be aware of particular issues that may face certain populations (i.e. age, culture, disabilities, gender, language) and how this might affect the way a victim makes decisions and responds to law enforcement.

Examples of vulnerable populations include:

- American Indians
- Immigrants, documented and undocumented
- Individuals in prostitution
- Individuals with disabilities
- Individuals with substance addictions
- Individuals with limited English proficiency
- Individuals who have previously been sexually assaulted
- Lesbian, gay, bisexual, transgender individuals
- Minors
- Senior citizens

A few tips to keep in mind:

- Not all disabilities are visible. Victims may have physical, sensory, or mental disabilities, or a combination of disabilities.
- Culture can influence how people view or understand “sexual assault” and feel about law enforcement. Be aware that beliefs about gender, sexuality, sexual orientation, race, religion, etc. may vary greatly between cultures.
- Questions about sexual assault are very intimate and may be difficult to discuss. Such a personal violation may create feelings of embarrassment and shame. These feelings may be intensified in some cultures such as those where the loss of virginity prior to marriage can be socially devastating.
- American Indian communities may have their own laws regarding sexual assault in addition to or in place of relevant state or federal laws.
- If English is not the victim's first language, offer to arrange unbiased, independent translation. Do not rely on family members, children, the suspect, or any other associated parties to serve as an interpreter.
- Those who are lesbian, gay, bisexual and transgender identified may have specific privacy needs depending on whether the individual is “out” to others in their lives. Sensitivity and awareness about the particular obstacles and barriers victims of same-sex sexual assault face in reporting is of critical importance.

IACP Resources

To obtain electronic or printed copies of the following resources at no cost, visit **www.theiacp.org** or email **stopviolence@theiacp.org**.

Tools

- IACP Sexual Assault Supplemental Report Form, 2008

Model Policy

- Investigating Sexual Assault, IACP Model Policy & Concepts and Issues Paper, 2005

Training Keys

- “Investigating Sexual Assault Part I: Elements of Sexual Assault & Initial Response”, IACP Training Key # 571, 2004
- “Investigating Sexual Assault Part II: Investigative Procedures”, IACP Training Key # 572, 2004
- “Investigating Sexual Assault Part III: Investigative Strategy & Prosecution”, IACP Training Key # 573, 2004
- “Pretext Phone Calls in Sexual Assault Investigations”, IACP Training Key # 574, 2004

Every effort has been made to ensure that this document reflects the most current thinking and comprehensive information on the crime of sexual assault. A wide array of feedback was solicited, and many subject matter experts contributed their knowledge. In particular, we appreciate and acknowledge the contributions of: Joanne Archambault, Kim Lonsway, and Anne Munch.

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A Guide for Developing Tools to Assess for Sexual Assault Within the Context of Domestic Violence

Compiled by Kathleen Arledge, MSW

Kathleen Arledge is a former program management specialist for the Washington Coalition of Sexual Assault Programs (WCSAP). Ms. Arledge holds a Master's degree in social work administration from the University of Washington. She was guest editor of the WCSAP publication *Connections* of Spring/Summer 2008, which brought together these articles on Intimate Partner Sexual Violence.

▼ Survivors of Intimate Partner Sexual Violence often hesitate to define their experience as rape. In addition, there are many reasons why a survivor may never tell a practitioner about the sexual assault, despite the practitioner's efforts to screen victims.

This guide will assist the practitioner in developing screening questions that validate the victim's experiences. The goal is to empower victims to overcome barriers to obtaining help and gaining access to resources.

1. Rapport should be built with the victim before screening questions are asked.
2. Questions should use specific language when referring to the crime. Words such as hurt, threatened, or forced should be clarified by the interviewer (i.e. did she/he hurt you vs. did she/he hit or push you).

3. Due to rape myths, some victims of intimate partner sexual violence may not consider the crime a "rape." Screening questions should use phrases such as "sexual activity" or "intimate experience."
4. Questions should be open-ended and designed to facilitate disclosure.
5. Persons asking questions about sexual activities should first receive training in how to discuss sexual histories and experiences in a non-threatening, non-judgmental manner.
6. Before asking the questions, the interviewer should decide what they will do if the victim provides information that indicates a sexual assault.

Before asking the victim such questions, the interviewer must know the answers to the following questions (taken from Mahoney & Williams, 1998):

- *What kind of answers would lead you to believe that an intervention is warranted?*
- *What kind of intervention are you prepared to make?*
- *What further questions would you need to ask?*
- What resources and/or information do you have to offer?

Possible Screening Questions:


The following list of screening questions has been synthesized from various scholarly resources, notably Mahoney & Williams (1998). This is not an exhaustive list of questions, and they have not been systematically evaluated. These questions are designed to facilitate disclosure from the victim. They are not intended for verbatim use; the interviewer should make necessary revisions to fit specific assessment situations.

- Have you ever been intimate with your partner when you didn't want to?
- Does your partner ever force you to be intimate? How often does this happen and when did it happen last?
- Have you ever been intimate with your partner because you were afraid of him / her?

- Are there times when sex between you and your partner is unpleasant for either one of you? What happens to make it unpleasant?
- Do you and your partner ever have disagreements about sex: for example, when and how often to have sex? How do you resolve those disagreements?
- Do you think you and your partner enjoy your sexual relationship equally?
- Has your partner ever made you have a sexual experience when you had too much alcohol to drink or when you've taken something (drugs, etc.) that made you unable to consent?
- Has your partner ever forced or pressured you into doing things that you weren't comfortable with? What were they?
- Has your partner ever forced you to have a sexual experience by using a weapon, or by physically hurting you?
- Has your partner ever forced you to have a sexual experience by kidnapping you, or by breaking into your home/office/car, etc?
- Have you ever had sex with your partner because he has threatened, pressured, forced, or hurt you? What happened? (Note to interviewer: Based on your assessment of the situation, clarify for the victim what you mean by threat, pressure, force, etc.)
- Has your partner ever had sex with you when you were physically or mentally unable to say yes or agree to the activity?
- Have you ever "given in" to a sexual encounter with your partner to avoid fighting or being hurt?
- Have you ever had a sexual encounter because you felt overwhelmed by your partner's continual arguing and / or pressure?
- Has your partner ever touched you in a sexual way that has made you feel uncomfortable?
- Has your partner ever said or done sexually degrading things to you?

Follow-up Questions:

These follow-up questions (Fribley & Trujilo, 2006) have been designed to solicit more information from the victim after the preceding screening questions have been asked. These questions solicit additional information from the victim when the initial screening question is closed-ended and the victim has given a positive response to that question.

- How long has this sexual abuse / behavior been occurring in your relationship?
- How often does the sexual abuse occur?
- Are there any patterns between the physical and sexual abuse in your relationship?
- Have you noticed any change in the frequency or severity of abuse in your relationship?
- Was there ever any force or pressure involved?
- Have you ever told anyone or received help?
- Who did you tell or what type of help did you receive?
- How has the sexual abuse in your relationship impacted you?
- Have you noticed any physical or medical changes with your body?
- What have been the emotional or psychological effects you've experienced as a result of the sexual abuse?
- How can I help you? 

References

- Fribley, C. & Trujilo, O. *Sexual violence within the context of DV*. Praxis International Audio Conference Call, September 2006.
- Mahoney, P. & William, L. (1998). Sexual assault in marriage: Prevalence, consequences and treatment of wife rape. In J. Jasinski & L. Williams (Eds.), *Partner violence: A comprehensive review of 20 years of research*. Thousand Oaks, CA: Sage.

EVIDENCE COLLECTION In Stalking Cases

By Detective Rande Christiansen

[WCSAP: Related to the previous article, Det. Christiansen shares a law enforcement perspective on the collection and preservation of evidence in stalking cases that include technology. Some of these guidelines will also apply to similar cases of harassment. As he points out in this article, stalking cases are so varied and complex, that it is crucial for advocates to share with survivors information about evidence collection for a possible criminal case, and to support them in making crucial decisions about their safety.]

"EVIDENCE COLLECTION" IS A TERM usually reserved for law enforcement and most training on this topic is devoted to them. We need to understand that cases that involve obtaining and collecting technological evidence also involve the victim and advocates. Many times victims being stalked are not terrorized by just the old fashioned ways of following and surveillance, but now also with technology. This can vary from emails, text messages, instant messages, and using various Internet sites (i.e. MySpace, Facebook, etc.) to monitor the victim. We need to advise victims correctly for both evidence collection and safety, with technology being so prevalent.

Cell phones in urban and now in rural areas are common. Many households now use the cell phone as the primary line opposed to a hard-wired line. Victims carry their phones "everywhere" they go, and can now be monitored by various means. Cell phones can be monitored or tracked with GPS, Bluetooth, or other functions now available on the phones. If a victim believes this is happening, they should consider turning off certain functions on the phone. If possible and economical, victims should discontinue use of that phone and get a new service through another carrier with security access only by the victim.

While doing instruction of investigation of stalking cases, one of my main points is not to have the victim

change their phone number. In years past, the advice was to have victims change their number and the stalker would just move on. The advice that I now give incorporates both evidence collection and safety. Changing their number can be problematic in that the number probably will be released or found on the Internet. The "evidence" in the form of text and voice messages will be lost in most cases if the victim changes the phone number. The major safety reason for not changing the number is that once the number becomes "unpublished" or not available to the stalker, there is a high probability that the stalker will try to find the victim in person to give his/her message.

Text messages have an extremely short retention period with the service providers, so that even law enforcement may not be able to collect them for evidence in time. Victims should be instructed that the messages need to be downloaded by a forensic expert, or in most cases digitally photographed for preservation. Law enforcement should take these photos for proper chain of evidence, and so as not to put advocates in the position of a being called as a witness for the case. Most phones now seem to have large storage capability, but when maximum capacity is reached the older messages, both text and



voice, will be eliminated. Another point of retaining and recording text and voice messages will assist persons tasked with threat assessment to read and interpret possible future problems and actions of the stalker.

Previous research studies of stalking behavior used to show that following and surveillance were at the top of the list and the use of technology was low. I have found that working stalking cases now, most, if not all, involve the use of some type of technology harassment. Many of the cases that are presented to the street Officer did not mention any emails or similar harassment as part of the case. I have found that many victims need to be asked if they have received the unwanted technology contact as part of the harassment/stalking. Many don't mention this in the original report unless asked.

The primary report may list the stalking behavior to the effect, "He hacked into my MySpace account," as many of the victims are college age or young adults. It is a necessity nowadays to be familiar with the various Internet sites to include MySpace, Facebook, etc., when giving advice on either preservation of evidence or collection for prosecution.

One very good thing about technology is the response suspects give to victims telling them to "leave me alone." In almost all cases I have investigated, when the victim sends an email, text message, instant message or other electronic message to "leave me alone," the stalker will usually respond. Saving and preserving this response is imperative for victims to show that the suspect was told the contact is unwanted, but also starts a time line in investigations for stalking if it continues. This also involves a protective factor, in that the victim doesn't have to see the stalker in person to deliver the message.

Service providers and technology experts advise victims to delete any unknown or unsolicited email. This is extremely valuable advice except in stalking cases. Listen to the victims in these cases, and when they receive a "strange," unsolicited, or masked email they believe is from the stalker, they are probably right. Then comes the double-edged sword advice of "to open or not to open." Opening one of the emails may give rise to the possibility of infecting their computer with viruses or other infections.

Opening one of these emails may also be the route by which a stalker infects the victim's computer with a type of spyware without their knowledge. The information presented here is not a secret and has widespread usage to track victims. The problem is that if victims use a type of spyware detection software, it

will generally find, quarantine, and wipe out any of the "evidence" needed for proof of where the information is being sent. The actual analysis should be completed by a computer expert that can collect, document, and testify on the information located, if a victim believes that their computer is infected with spyware. The problem is in finding someone to do the analysis, since most law enforcement departments may have limited or no services to complete the analysis. The criteria for accepting a computer for this analysis will require more than, "he hacked into my MySpace account."

◀ It is a necessity nowadays to be familiar with the various Internet sites to include MySpace, Facebook, etc., when giving advice on either preservation of evidence or collection for prosecution.

As a law enforcement investigator I think the one thing that I would work to take away is the "DELETE" button. In hundreds of cases I have heard the victim state to the effect, "I just couldn't listen to his voice anymore," or "I just couldn't take one more text," so she deleted the "evidence." We need to understand that victims hitting the "DELETE" button is a coping mechanism, and assist in educating victims that not using the button may increase their survival or get the stalking to stop.

Technology is here to stay, and it is imperative that as either advocates or law enforcement giving victim safety information, we must have basic understandings of the function and preservation of evidence. Armed with the basic information and resources, this will empower victims to gain back their sense of normalcy in these cases where technology has invaded their lives. +

Detective Christiansen has been with the Seattle Police Department for 19 years. He has been a Detective in the Domestic Violence Unit for 13 years, with majority of cases involving harassment and stalking.

***SUMMARY
OF
Creating an Effective
Stalking Protocol***

Initial Protocol Developed by:
U.S. Department of Justice
Community Oriented Policing Services
Police Foundation
The National Center for Victims of Crime

Summary Provided by:
Gretchen Hunt, Staff Attorney
Cabinet for Health and Family Services
Division of Child Abuse and Domestic Violence Services

Entire report available from the Stalking Resources Center at
http://www.ncvc.org/src/main.aspx?dbID=DB_publications127

April, 2006

Creating an Effective Stalking Protocol: SUMMARY

Aims of protocol:

- Promotes a strategic approach that encourages early intervention
- Broadly defines the roles of officers in functional areas including patrol, 911 operators, detectives and community relations
- Presents guidelines for developing and participating in a coordinated community response stalking
- Encourages the use of collaborative problem-solving techniques
- Defines the appropriate threat assessment techniques

Why community policing?

“Traditional “reactive” policing is ill-suited to the challenges because it means waiting for something to happen and then responding. Where there is an ever-present risk that stalking will cross over into physical violence and victim safety and prevention are the priorities, such an approach inevitably falls short. Stalking by its nature calls for early intervention, preventive action and proactive problem-solving. These are the hallmarks of community policing.”

Defining Stalking

“a crime involving repeat victimization of a targeted individual by the perpetrator—it is, by its very nature, a series of acts rather than a single incident. Second, it is partly defined by its impact on the victim.”

- stalking is mix of criminal and (in a different context) non-criminal behavior
- impact of stalking on the victim—the fear it induces—is a key component of its legal definition
- in the context of domestic violence, investigation of stalking incidents may be eclipsed by the cruder manifestations of abuse (physical violence)

Connection to Domestic Violence

- the majority of the victims know their stalkers
- while stalking does not always involve domestic violence, domestic violence almost invariably includes elements of stalking
- perpetrators who stalk former intimate partners are more likely to have physically or sexually assaulted them prior to termination of the relationship.
- in a high proportion of cases involving the murder or attempted murder of women, the perpetrator was shown to have stalked the victim beforehand
- seventy-six percent of femicide cases and eighty-five percent of attempted femicide cases there was at least one incident of stalking in the year prior to the commission of these crimes

Role of Police

- build a detailed picture of the stalker and his/her behavior
- understand the context in which the incidents are occurring
- assess the risks faced by the victim
- be able to propose meaningful safety precautions
- engage in pro-active problem-solving and early intervention

Victim Input

- actively engaging victims in the investigation and working out case strategies in partnership with them results in more appropriate and effective police responses
- evidence collection starts with the victims—only victims can detail the contacts made by the stalker in person, through voicemail, letters, faxes, email, or unwanted gifts. Only victims can describe the fear they feel as a consequence of the stalker's behavior

STALKING LAWS

- State statutes that may be applicable include:
 - Protective orders
 - Assault statutes
 - Threatening statutes
 - Theft statutes
 - Property crimes
 - Attempted murder
 - Kidnapping
 - Terrorism or terroristic threatening
 - Domestic violence
 - Sexual assault statutes
 - Hate crime statutes
 - Identity theft
 - Wiretapping and utility theft
- Federal statutes that may be applicable include:
 - Full Faith and Credit Act, 18 U.S.C. § 2265 (1994, 2000, 2005)
 - Interstate Travel to Commit Domestic Violence Act, 18 U.S.C. § 2261 (1994, 2000, 2005)
 - Interstate Stalking Punishment and Prevention Act, 18 U.S.C. § 2261 A (1996, 2000, 2005)
 - Interstate Violation of a Protective Order Act, 18 U.S.C. § 2262 (1994, 2000, 2005)
 - Federal Domestic Violence Firearm Prohibitions Act, 18 U.S.C. § 922 (g) (8)(1994, 1996)
 - Interstate Communications Act, 18 U.S.C. § 875 (c)

- Harassing Telephone Calls in Interstate Communications Act, 47 USC § 223 (a) (1) (c)

TYPES OF STALKERS

- **Simple Obsessional:** most common type of stalker, usually male, a former boss, ex-spouse, ex-lover , who begins stalking after relationship ends or there is a perception of mistreatment.
- **Love Obsessional:** Stranger to victim who begins a campaign of harassment to make victim aware of stalker.
- **Erotomania:** Usually female, believing falsely that the victim is in love with her and, but for some external reason, they would be together. Those around the victim may be the most at risk.
- **False Victimization Syndrome:** Rare situation where someone desires to be placed in role of victim, so constructs false tale of being stalked and may in fact be actual stalker.

HOW TO IDENTIFY STALKING

- Any time victim reports any type of harassing, threatening or menacing behavior: is this an isolated incident or repeated behavior?
- If victim expresses fear of suspect, these fears should be taken seriously and detailed inquiry made to determine the origin of the fear
- Ask if prior reports have been made
- Have friends or family members made reports
- **Any time suspect has engaged in more than one incident of any type of harassment, the case should be evaluated as a potential stalking case**
- Stalking can be an ingredient of the following crimes
 - Domestic violence
 - Vandalism or destruction of property
 - Wiretapping or utility theft
 - Burglary
 - Theft
 - Identity theft
 - Assault
 - Child abuse
 - Hate crimes
 - Harassment
 - threats

STALKING BEHAVIORS: *Stalking is a course of conduct or a pattern of behavior and is generally is an escalating series of actions and incidents.*

- Violation of protective order by visits to victim's home or any other location frequented by victim
- Telephone calls to victim
- Mail, cards, or gifts
- Trespassing
- Burglary of victim's home
- Following victim on foot or by vehicle
- Showing up at victim's place of employment
- Spying or monitoring victim
- Making slanderous statements about victim or false reports
- Delivery of objects intended to cause fear
- Threats made to victim (direct, veiled or conditional)
- Vandalism or theft, of victim's property or that of anyone who is helping her
- Vandalism affecting the security of victim's home
- Disabling victim's vehicles
- Disabling or tapping phone
- Intercepting mail by filing change of address forms
- Harassing or threatening by use of computers and internet

UNIQUE ASPECTS OF STALKING CASES

- Cases often appear insignificant to the officer in the beginning because they manifest as violations of protective orders or harassing phone calls which can be viewed as low priority
- Must question victim thoroughly
- For majority of victims, fear that something will happen is overwhelming and they never feel safe
- Stalkers may commit crimes in several jurisdictions
- Stalking cases can last for years with varying periods of increased activity
- Arrest and prosecution of stalker, or victim obtaining a protective order may not halt stalker's behavior; in fact, may aggravate situation

DISPATCH CONSIDERATIONS

- Use question prompts with callers to identify a stalking incident: Name, location, relationship of parties, current protective order, injuries, location of suspect, drugs/alcohol, weapons, children present?
- Code and prioritize stalking incidents
- Notice of an active stalking case should be included in data provided to dispatchers
- Check for previously reported incidents and protective orders

GRADUATED RESPONSE (see Appendix 1)

CAVEAT: this threat assessment has to be a constant element of stalking response by law enforcement, in that all stalking incidents are potentially life-threatening, as stalking behaviors are often escalating in severity and violence.

INVESTIGATION OF CASE

Basic questions:

- 1) Who is the suspect?
- 2) What risk of violence does the suspect pose to the victim?
- 3) How does the investigator manage the suspect and the dangers posed to the victim?

EVIDENCE COLLECTION

- Data on suspect: name, description, personal info, residence, place of work, mode of transportation, vehicle make and model, license plate
- Evidence from victim:
 - Letters or notes written by suspect (preserve DNA!)
 - Objects sent/left for victim
 - Any answering machine tapes (document and make a tape)
 - Telephone call records or phone tap information from phone company (*57 records)
 - Evidence of phone tapping by suspect
 - Any log/diary/journal of suspect contacts
- Police generated evidence:
 - Use search warrants for suspect's residence, vehicle and workplace
 - Any photos of victims (may have words/drawings on them)
 - Photographs, diagrams or drawings of victim's home or workplace
 - Writings, journals or diaries of suspect that describe his activities and thoughts/fantasies of victim
 - Books describing stalking techniques or having subject matter of stalking, violence or harassment
 - Keys that fit house or vehicle of victim
 - Any equipment that appears to have been used to stalk victim (cameras, binoculars, video recorders, computers, fax machines)
 - videotape or still photos of suspect
 - security videos
 - telephone records/seizure of cell phone of suspect
 - documentation of email sent to victim (phone call to internet provider to freeze account until search warrant is completed)

- certified copies of police reports from other jurisdictions, protective orders
- Further corroborating evidence by police:
 - photograph any objects that have been damaged
 - check for fingerprints or DNA on vandalized objects or objects sent/left for victim
 - advise victim to contact phone company to install phone trap
 - have victim set up answering machine, if one is not already in place
 - for any incidents of harassment, get corroboration by witnesses
 - research suspect's whereabouts to deter alibi defenses
 - SURVEILLANCE of suspect if case is serious
- Evidence to prove victim's state of mind and FEAR of suspect (since stalking requires fear of injury, etc)
 - Has the victim moved to new location?
 - Obtained a new phone number?
 - Put a tap on the phone?
 - Told co-workers, friends or family about the harassment?
 - Told building security at work, home or school?
 - Given photos of the suspect to security?
 - Asked to be escorted to the parking lot and work site?
 - Changed work schedule or route to work?
 - Stopped visiting places previously frequented?
 - Taken self-defense courses?
 - Bought pepper spray?
 - Purchased a gun?
 - Installed an alarm system?
 - Bought a guard dog?

STALKER ASSESSMENT

- Interview of VICTIM about suspect should cover the following:
 - Prior threats made to victim
 - Actual pursuit or following of victim
 - History of violence against victim or others
 - Information regarding suspect's tendency towards emotional outburst or rage
 - Prior mental illness or substance abuse problems
 - Possession of or fascination with weapons
 - History of protective order or violations
 - Annoying phone calls made by suspect to victim or victim's friends/family
 - Any unsolicited correspondence from suspect to victim
 - Threats of murder or suicide

- Any acts of vandalism or arson by suspect
- Is the victim in fear?

THREAT ASSESSMENT :*PROACTIVE/ AVOID HARM TO VICTIM*

- Interview multiple sources about the suspect (co-workers, etc)
- Is the victim known to suspect? Is victim vulnerable to attack? Have resources for physical security? Is the victim afraid? Is victim able to convey a clear and consistent “I want no contact with you” message to the suspect?
- Will the suspect attack? **RISK FACTORS**
 - Present or past threats to kill
 - Use of weapons
 - Degree of obsession/jealousy/possessiveness towards victim
 - Violations of protective order with little concern for consequences of jail/arrest
 - Past incidents of violence
 - Present or past threats of suicide
 - Access to victim and victim’s family
 - Hostage taking
 - Depression
 - Other mental illness
 - Drug or alcohol abuse
 - History of prior stalking of this victim or other victims
- Threat assessment
 - Does the victim believe the threat?
 - Was it made in presence of others?
 - Is the threat detailed and specific?
 - Is it consistent with the suspect’s past behavior?
 - Does the stalker have the means to carry it out?
 - Have there been rehearsals of the act that is being threatened?
 - Does the threat extend to others?
 - Does it involve murder, suicide or both?
- History of violence:
 - Was the suspect abusive to former partners or family?
 - Has the physical violence increased over the past year?
 - Did the violence involve choking or attempted strangulation or head injury?
 - Does the suspect have a history of violence towards others? A history of sexual assault behavior? Abused animals?

- Destroyed property, including personal property?
- Weapons
 - Have access to weapons? Keep weapons in more than one place? Is trained in use of weapons?
 - Have illegal or exotic weapons?
 - Is having and being willing to use weapons part of the stalker's self-image?
 - Has past violence included show of weapons?
 - Does the victim possess weapons? Is victim trained to use weapons?
- Escalation of stalking behavior
 - Does the offender enlist others to help monitor victim?
 - Made threats to those around victim?
 - Spied on or stalked victim?
 - Made unwanted attempts to communicate? (including cards with messages such as "I have made a mistake. I want to work things out. I love you.")

ADVISING THE VICTIM ABOUT RISK

- advise victim about protective orders
- provide referrals to victim service programs
- provide the victim in writing with the responding officer's name, badge number, the incident report number and a number for the victim to call for information about the case
- offer to have police conduct a walk-through security check of the residence and recommend measures to ensure security
- provide information about safety planning
- help victim leave residence
- be honest with victim about any information that suggests that suspect is a real threat to her/him
- **advise victim to stop all contact with the stalker**
- **don't let third parties other than law enforcement intervene with the stalker**
- **consider taking out protective order**
- keep a log of all stalker contacts (see Appendix 2)
- keep full tank of gas
- inform security guards and neighbors of stalker; give photo of stalker
- change phone, move to new address, avoid places frequented by stalkers
- install phone trap, block emails

SUSPECT INTERVIEWS

Should only be conducted in coordination with victim and with appropriate safety planning for victim given that some stalkers will be provoked into more extreme action.

- Do background checks and be aware that suspect may try to deny or rationalize behavior and try to outsmart law enforcement
- Interview people who may provide relevant information about stalker: family, friends, employers, school officials, child protective services
- Have a strategy prior to interviewing suspect:
 - Interview suspect in pairs
 - Be aware of safety
 - Document the details of the interview
 - Provide the suspect a chance to view how his/her actions as misunderstood by the victim and how others could have misunderstood his/her intentions
 - Ask about other potential victims or crimes
 - Videotape interview
- Objectives of suspect's interview:
 - determine criminal activity
 - determine current state of mind
 - attempt to assess threat
 - does the suspect have other victims in mind?
 - Encourage the suspect to change his/her behavior
 - **Advise the suspect that the behavior is unwanted, unacceptable and must stop immediately**

STALKER INTERVENTIONS

Some stalkers may cease behaviors when warned by police, but intervention may trigger more problems in other cases. Each of the following options should be assessed for safety with victim. Interventions should aim to establish that a) stalkers are strictly and solely responsible for their own behavior; b) stalking is a serious matter and that stalkers should be under a "social hold"; c) the victim receives restitution; d) offenders learn about the dynamics of stalking and domestic violence and change behaviors through stalkers/batterers intervention programs.

- contact/warning by law enforcement –*most effective when the behavior does not yet constitute a full violation of law*
- counter-stalking ("stalk the stalker") during pre-trial and post-conviction: *may use new technology, including GPS*
- protective order on behalf of victim and witnesses
- arrest and detention of suspect for victim-directed criminal conduct

- arrest and detention for other criminal conduct (such as drugs, weapon charges)
- revocation of weapon permits/ weapon confiscation (through search warrant, court order, condition of bail or through a protective order)
- bail and other conditions of pre-trial release
- criminal convictions
- jail, fines and restitution
- suspended sentences
- supervised probation
- house arrest
- psychiatric evaluation and hospitalization, mental health referral, drug and alcoholism treatment
- batterer's intervention programs

ARREST, CHARGING AND DETENTION

- Officers should ARREST and detain a person when:
 - there is probable cause to believe that the suspect committed a stalking offense or a stalking-related offense (for example, second or third violation of a protective order in the context of a stalking/domestic violence relationship) OR
 - there is probable cause to believe that the offender violated an anti-stalking protection/restraining order

NOTE: probable cause may be obtained by a written statement from a person alleging that an alleged offender has committed a stalking-related offense

- When an officer determines there is probable cause and the suspect has left the scene, the officer should promptly seek a warrant for the arrest of the person
- The officer should notify victim of warrant and of steps the victim should take should the victim know of the suspect's whereabouts
- The officer should consult with the prosecutor's office on appropriate charging decisions, including whether the suspect should be arrested on a related crime rather than waiting for a course of conduct when the victim is at high risk.
- Based on threat assessment, request for no bail, or if suspect is released, for supervised release and frequent monitoring of suspect when out on bail.

REPORTING AND FILING PROCEDURES

Coordination and access to records is key to preventing further harm from stalking.

- Officers should make written report for any incident of harassment, threat, stalking, and violation of a protective order or for any other offense in course of conduct whether or not an arrest has been made.
- Systems should code stalking reports
- Systems should enable tracking of stalking incidents and cases so that locations are flagged and prior or active case information is available to dispatch and responding officer
- Record systems should share regional and national data to support enforcement of protective orders and gun controls
- To manage cases in multiple jurisdictions, assign a “key case number” to the victim that a victim or friend or family member must give to each officer investigating to ensure that information does not fall through the cracks reporting and filing procedures

TRAINING

Should be conducted for 911 operators and dispatchers, patrol officers, detectives, supervisory personnel, victim advocates and non-emergency call takers.

COMMUNITY COLLABORATION AND MODEL PROGRAMS (see Appendices 3 and 4)

Stalking and Intimate Partner Femicide

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An 18-item stalking inventory and personal interviews with knowledgeable proxy informants and victims of attempted femicide were used to describe the frequency and type of intimate partner stalking that occurred within 12 months of attempted and actual partner femicide. One hundred forty-one femicide and 65 attempted femicide incidents were evaluated. The prevalence of stalking was 76% for femicide victims and 85% for attempted femicide victims. Incidence of intimate partner assault was 67% for femicide victims and 71% for attempted femicide victims. A statistically significant association existed between intimate partner physical assault and stalking for femicide victims as well as attempted femicide victims. Stalking is revealed to be a correlate of lethal and near lethal violence against women and, coupled with physical assault, is significantly associated with murder and attempted murder. Stalking must be considered a risk factor for both femicide and attempted femicide, and abused women should be so advised.

Stalking, as defined in the National Violence Against Women (NVAW) survey (Tjaden & Thoennes, 1998), includes repeated

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(e.g., two or more) occasions of visual or physical proximity, non-consensual communication, or verbal, written, or implied threats that would cause fear in a reasonable person. Using this definition, the results of the NVAW telephone survey of 8,000 U.S. women and 8,000 U.S. men found that 1% of the women and 0.4% of the men reported being stalked during the preceding 12 months.

The NVAW survey confirmed that most female victims know the stalker; only 23% of female victims were stalked by strangers. Overall, 62% of female victims were stalked by a current or former intimate partner, with 38% of the women reporting stalking by current or former husbands, 10% by current or former cohabiting partners, and 14% by current or former dates or boyfriends. Acquaintances and relatives composed the remaining groups of nonintimate, nonstranger stalkers. Stalking by an intimate partner occurred before the relationship ended for 21% of the women, after the relationship ended for 43%, and 36% of the women said stalking occurred both before and after the relationship ended (Tjaden & Thoennes, 1998).

Stalking and Intimate Partner Assault

Eighty-one percent of the women in the NVAW survey who were stalked by a current or former husband or cohabiting partner were also physically assaulted by the same partner (Tjaden &

especially Chief Prosecutor Cindy Merrill and Social Worker Jennifer Varela; Baltimore City Homicide Department, especially Lt. William Robbins; Cathleen Barenski from the Johns Hopkins University School of Nursing; Office of the Chief Medical Examiner for the New York City Department of Health, especially Dr. Charles Hirsh, chief medical examiner, and David Schomburg; Los Angeles Police Department, especially Detective Tim Williams; Los Angeles Sheriff's Department, especially Lt. Frank Merriman; Wichita, Kansas Police Department, especially Capt. Paul W. Dotson and Lt. Kenneth F. Landwehr; Kansas City, Kansas, Police Department and the Office of the District Attorney especially District Attorney Nick Tomasic, Chief Deputy District Attorney Mary Ann Slattery, and Domestic Violence Advocate Patty Dill; Kansas City, Missouri, Police Department, especially Capt. Joseph Chapman, Capt. Cheri Reid, and Jackson County Prosecuting Attorney Claire McCaskil, Prosecuting Attorney Teresa E. Crayon, and Domestic Violence Advocate Doris Canon; King County Prosecutor's Office, especially District Attorney Norm Maleng, Senior Deputy Prosecuting Attorney Robin Fox, Victim Advocate Mary A. Kirchner, Chief Norm Stamper, Lt. Ron Condor, Chief Jackson Beard, Capt. Carol Cummings, and Sgt. Jim Graddon; Nancy Cherry, director of nursing, Seattle-King County Department of Public Health, Chief Medical Examiner Donald T. Reay, M.D., and Mr. Jon Nakagawara, Sr., administrative assistant, Medical Examiner Division. We also thank Research Assistants Pam Willson and Christian Giangreco. Finally, a special thanks is extended to the proxy informants and survivors of attempted femicide who shared their experiences.

Thoennes, 1998). This supports other studies that report stalkers are more likely to be violent if they have had an intimate relationship with the victim (Coleman, 1997; Meloy, 1998). In addition, the NVAW survey confirmed the link between stalking and controlling behavior. Ex-husbands who stalked were significantly more likely than ex-husbands who did not stalk to engage in emotionally abusive (e.g., shouting and swearing) and controlling behavior (e.g., limiting contact with others, jealousy, and possessiveness). These same emotionally abusive and controlling behaviors clearly occur when women are assaulted by their intimate partners (Klein, Campbell, Soler, & Ghez, 1997).

In 1996, women in the United States were victimized by intimates in about 840,000 incidents of rape, sexual assault, robbery, aggravated assault, and simple assault. The highest percentage of intimate violence was among women aged 16 to 24 (Greenfeld et al., 1998), paralleling the results of the NVAW survey, which found that 52% of the female victims of stalking were 18 to 29 years of age. Thus, a strong connection appears to exist between intimate partner stalking and assault, with younger women more often victimized (Office of Justice Programs, 1998).

Although many more battered women are stalked by their perpetrators than are actually killed, it remains unclear who will be a stalker and what relationship stalking behavior has with severity of injury or death of the victim. However, the information that is available suggests that stalkers are worthy of attention because they are a potentially dangerous group. For instance, some experts on abuse warn that the most dangerous perpetrators can be identified by their stalking behavior (Hart, 1988), and psychologists believe that stalking behavior and obsessive thinking are highly related behaviors (Meloy, 1996). One study that profiled perpetrators of domestic violence by the presence or absence of stalking behavior, found stalkers, compared to nonstalkers, tended to live alone, were less likely to be married, and used more alcohol (Burgess et al., 1997). A profile of stalkers by Meloy (1998) noted that at least one half of stalkers explicitly threaten their victims, and although most threats are not carried out, the risk of violence increases when there is a verbal threat. Meloy further noted that the frequency of violence among stalkers toward the person being stalked averages in the 25% to 35% range, with the most

likely group of stalkers to be violent being those individuals who have had a prior sexually intimate relationship with the victim.

Authors agree that most victims of stalking suffer major life disruptions and serious psychological effects including anxiety, depression, and symptoms of trauma (Hall, 1998; Pathe & Mullen, 1997). It has been recommended that stalking be considered a risk factor for further physical abuse or a lethal incident just by virtue of the tenacious proximity-seeking toward the victim, especially if the stalking occurs in combination with other high risk behaviors (Walker & Meloy, 1998).

Prevalence and Perpetrator Characteristics of Intimate Femicide

Women are more likely than men to be murdered by an intimate partner. In 1996, nearly 2,000 murders were committed by intimates, and in almost 3 out of 4 of these killings, the victim was a woman (Greenfeld et al., 1998). Women are more likely to be killed by an intimate partner than by all other categories of known assailants combined (Browne & Williams, 1993; Kellerman & Mercy, 1992). Over the past two decades, women account for an increasingly greater proportion of persons killed by an intimate. According to a Bureau of Justice Statistics report (1994), in 1977 54% of the victims killed by an intimate partner were females. By 1992, the proportion of female victims killed by intimates had increased to 70%. In addition, Greenfeld et al. (1998), tracing intimate murders since 1976, documented a decrease in intimate murders among men, Blacks (both male and female), and for murders involving firearms. However, the number of White females murdered by a nonmarital intimate has shown an increase in fatalities between 1976 and 1996 (the authors offered no explanation for the racial differential).

Partner femicides are frequently preceded by domestic violence and may involve the woman's recent separation from the relationship (Arbuckle et al., 1996; Campbell, 1992; Ellis & DeKeseredy, 1997). Felder and Victor (1997), for instance, estimated that between 29% and 54% of female murder victims (i.e., femicides) are battered women. Similarly, Moracco, Runyan, and Butts's (1998) study of 586 femicides in North Carolina between 1991 and 1993 document that 76.5% of partner femicides were

preceded by physical assault. In other research, male perpetrator behaviors that are repeatedly associated with partner femicide include perpetrator gun access and prior use, threats to use a weapon, previous serious injury inflicted toward the victim, extreme jealousy, threats of suicide, and drug and/or alcohol abuse (Bailey et al., 1997; Block & Christakos, 1995; Campbell, 1995; Moracco et al., 1998; Smith, Moracco, & Butts, 1998).

Prevalence and Perpetrator Characteristics of Attempted Intimate Femicide

Little is known about the prevalence and perpetrator characteristics of attempted femicide. A recent report using Bureau of Justice statistics estimated that between 1992 and 1996, 51% of all female victims of partner violence were injured, with approximately 0.5% suffering a gun, knife, or stab wound (Greenfeld et al., 1998). The same report estimated about 1 million women are injured by an intimate partner each year and an additional 1 million are assaulted but not injured. Using the 0.5 percentage of gun, knife, and stab wounds, this would indicate upward to 5,000 women each year experience serious, life-threatening violence.

A stratified nonprobability sample of 91 hospitals in the United States that have at least six beds and provide 24-hour emergency service revealed the rate of nonfatal firearm injuries treated to be 2.6 times the national rate of fatal firearm injuries (Annest, Mercy, Gibson, & Ryan, 1995). This ratio of 2.6 nonfatal to 1 fatal injuries was the same for males and females aged 15 to 24 years; however, the ratio of nonfatal to fatal gunshot wounds for African American males and females aged 15 to 24 years was 4.1:1 and 4.3:1, respectively. Furthermore, 57% of these nonfatal firearm wounds required hospitalization.

There are few published reports that have described the prevalence of nonfatal firearm and stab wound injuries specific to abused women. However, a study of 329 pregnant Hispanic women revealed that 11% reported a knife or gun used against them within the last 12 months by the male intimate (Wiist & McFarlane, 1998). Another study of 90 abused women filing assault charges against an intimate revealed 24% had experienced a knife or gun used against them within the preceding 3 months (McFarlane, Willson, Lemmey, & Malecha, in press). Women who

report a weapon used against them also report significantly higher levels of physical abuse as well as higher scores on a lethality assessment scale (McFarlane, Soeken, et al., 1998).

Stalking Preceding Actual and Attempted Intimate Femicide

Although the literature is sparse, it appears that when stalking occurs in conjunction with intimate partner violence, it may end in severe violence and/or possible femicide (Lingg, 1993; Pathe & Mullen, 1997; Perez, 1993). Yet, estimates of this linkage is virtually absent from the literature. In the only study found that makes an explicit attempt to do so, Moracco et al. (1998) found that of 586 femicide victims in North Carolina, half were murdered by a current or former partner; of these, 23.4% had been stalked prior to the fatal incident. No studies were identified that assessed stalking for attempted intimate femicide victims. Thus, a clear need exists for further research into this area.

The Present Research

The purpose of this study is to describe the frequency and type of intimate partner stalking that preceded both attempted and actual partner femicide in a multisite national study of risk factors for femicide in violent intimate relationships. The results reported next derive from an ongoing research project, Risk Factors in Violent Intimate Relationships, the aim of which is to examine risk factors for serious nonlethal and lethal violence against women by their intimate partners. The authors examine the extent to which stalking is a potential risk factor of attempted and actual intimate partner femicide.

METHOD

Sample

These descriptive data are part of a 10-city study to determine the risk factors of actual and attempted intimate partner femicide. The sample for this report is drawn from the closed police records of these U.S. cities: Baltimore; Houston, Texas; Kansas City,

Kansas; Kansas City, Missouri; Los Angeles; New York; Portland, Oregon; Seattle, Washington; St. Petersburg/Tampa, Florida; and Wichita, Kansas. The cities were chosen based on size and their geographic representativeness of the United States.

Sampling began following agency approvals and institutional review boards approval for human subjects. At each site, coinvestigators worked with local law enforcement, the district attorney's office, and the medical examiners to identify closed records of women who had been victims of femicide or an attempted femicide by an intimate partner. The time period searched was 1994 through 1998. Inclusion criteria for intimate partner was a current or former spouse, boyfriend, or same sex partner. Inclusion criteria for attempted partner femicide was more complex, so is presented in Appendix A. A total of 141 femicides and 65 attempted femicides met the study criteria and form the basis for this report.

Data Collection for Femicide Victims

Using closed records, one or more potentially knowledgeable proxy informants, such as a parent, sibling, or other close relative of the deceased woman, were identified and contacted by mail. Once contacted, a prescreening questionnaire was administered to assess length of time the informant had known the victim and perpetrator and knowledge level about the relationship. Frequently, this person did not feel qualified to answer questions about the relationship and referred the investigator to other potential informants. When a knowledgeable informant was identified and consented, a brief demographic profile of the informant was completed, followed by an interview questionnaire about the relationship between the deceased woman and intimate partner. Following demographic information, questions focused on the characteristics of the relationship including type, frequency, and severity of any violence, as well as alcohol and/or drug use and use of health and criminal justice agencies. To profile the relationship of victim and perpetrator within a close proximity to the lethal event, questions focused on the 12 months preceding the femicide. The interview took about 1 hour. Approximately 10% of identified proxies refused to participate, at which point a second knowledgeable proxy was identified.

Data Collection for Attempted Femicide Victims

Using the study criteria and closed records, women who had survived an attempt on their life were identified and contacted by mail. Once contacted and consent was obtained, a convenient time was arranged for the interview. As with the proxies, all interviews were conducted by doctorally prepared researchers or doctoral students experienced in conducting sensitive communications with victims of domestic abuse. The same questionnaire was used with the proxy informants and the victims. None of the identified attempted femicide victims refused to participate.

Instrument

An 18-item survey was used to document the frequency and type of stalking by the intimate partner perpetrator during the 12 months preceding the attempted or actual femicide. The definition of stalking used for this study is similar to the Model Anti-stalking Code for States (National Criminal Justice Association, 1993) and is taken from a report by Tjaden and Thoennes (1998). Stalking is defined as "harassing or threatening behavior that an individual engages in repeatedly, such as following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages, or objects, or vandalizing a person's property" (Tjaden & Thoennes, 1998, p. 1).

The stalking survey is shown in Appendix B. The first 6 items were developed by Tjaden and Thoennes (1998) as part of the Violence and Threats of Violence Against Women in America Survey. Examples of these items include being followed or spied on, sent unsolicited letters or written correspondence, or finding the perpetrator standing outside the victim's home, school, or workplace. Content validity was established by a panel of experts. Twelve items were added from the Sheridan (1998) HARASS instrument to form the 18-item survey used in the present study. Examples of items added include threats by the abuser to harm the children or commit suicide if the woman left the relationship, leaving scary notes on her car, or threatening her family. In this study, reliability (coefficient alpha) was 0.80 for the group of 65 attempted femicide women and 0.84 for the group of 141 femicides. All stalking questions were limited to the 12-month period

before the attempted or actual femicide incident. Respondents answered yes or no to each stalking behavior.

RESULTS

The sample consisted of 208 women, 141 who had been killed by their intimate partner and 65 who had survived an attempt on their life by their intimate partner. Demographic variables for femicide and attempted femicide victims along with the test statistic, significance level, and degrees of freedom are presented in Table 1. Mean age, percentage of victims employed, and relationship status were almost identical for attempted and femicide victims; however, ethnicity and education varied, although not significantly. When compared to femicide victims, a greater proportion of attempted femicide victims were African American and had completed fewer years of education.

Frequency, Type, and Extent of Stalking

Seventy-six percent of femicide and 85% of attempted femicide respondents reported at least one episode of stalking within 12 months of the violent incident. Shown in Table 2 is the type and prevalence of stalking behavior experienced, along with chi-square and significance values. The most frequently reported stalking behavior for both femicide and attempted femicide victims was being followed or spied on. Additional stalking behaviors reported by almost half of all women was the intimate partner perpetrator sitting in a car outside her home or work site and receiving unwanted phone calls. Due to the 18 comparisons made between completed and attempted femicides, the Bonferroni technique was used to guard against Type I error rate by limiting the studywide error rate to a .05 alpha level (Dunn, 1961). This alpha rate was spread over the number of chi-square tests conducted for a significance level of .002 (i.e., $.05/18 = .002$). Using this standard, none of the 18 stalking behaviors varied significantly between femicide and attempted femicide victims.

To determine the extent of stalking experienced, the number of stalking behaviors was calculated for each woman. The number of stalking behaviors reported ranged from 1 to 15 for femicide

TABLE 1
Demographics and Relationship Status for Intimate Partner
Femicide (*n* = 141) and Attempted Femicide (*n* = 65) Victims

	<i>Femicide</i>	<i>Attempted Femicide</i>
Age	34.87 (<i>SD</i> = 13.9)	33.48 (<i>SD</i> = 9.6)
Race		
African American(%)	38	52
White (%)	31	23
Latino/Hispanic (%)	24	20
Other (Native American/ Asian Pacific Islander) (%)	7	5
High school graduate (%)	71	57
Employed, full- or part-time (%)	66	62
Relationship status		
Current partner (%)	64	66
Ex-partner (%)	36	34

NOTE: Age = $T = 0.709$; $p = 0.106$. Race = $\chi^2 = 3.646$, $df = 3$, $p = 0.302$. High school graduate = $\chi^2 = 3.536$, $df = 1$, $p = 0.06$. Employed = $\chi^2 = 0.461$, $df = 1$, $p = 0.497$. Relationship status = $\chi^2 = 0.031$, $df = 1$, $p = 0.861$.

victims and 1 to 12 for attempted victims. Mean values were 4.2 ($SD = 3.7$) for femicide victims and 4.6 ($SD = 3.5$) for attempted femicide women. The difference between the means was not statistically significant.

Physical Abuse and Stalking

When asked if the intimate partner perpetrator had physically abused the woman within the year prior to the violent incident, 67% of the femicide informants and 71% of the attempted femicide victims said yes. Among femicide informants reporting yes to physical abuse by the perpetrator, 89% also reported stalking, compared to 56% of the nonabused femicide victims reporting stalking, a statistically significant difference ($\chi^2 = 15.42$, $df = 1$, $p = .0001$). Therefore, if a femicide victim was physically abused prior to the murder, she was also far more likely to also be stalked. Among attempted femicide victims, a significant relationship between physical abuse and stalking also existed. Approximately 91% of the attempted femicide victims who reported abuse within the year prior to the incident also reported stalking compared to 68% of the nonabused women reporting stalking ($\chi^2 = 5.2$, $df = 1$, $p = .022$).

TABLE 2
Percentage of Femicide and Attempted Femicide Victims
Experiencing Stalking Within 12 Months of the Lethal or Near-Lethal Event

<i>Perpetrator Stalking Behavior</i>	<i>Femicide (%)</i>	<i>Attempted Femicide (%)</i>	χ^2	<i>p Value</i>
Sent unwanted letters	10	15	1.081	0.299
Followed or spied	53	60	1.021	0.312
Unwanted phone calls	45	43	0.117	0.732
Waited outside house/school/work	47	46	0.000	0.994
Left threatening messages on phone	22	12	2.898	0.089
Communicated in other ways against her will	33	39	0.550	0.458
Destroyed/vandalized property	34	49	3.665	0.056
Frightened with a weapon	39	40	0.000	0.983
Threaten to harm kids if victim left	13	11	0.269	0.604
Threatened to kill self if victim left	19	34	5.788	0.016
Threaten to take kids if victim left	15	17	0.126	0.723
Frightened victim's family	24	31	1.013	0.314
Left threatening notes on victim's car	10	11	0.017	0.895
Threatened to report drug use	4	3	0.079	0.778
Threatened to report to authorities	4	8	1.258	0.262
Threatened to leave victim	15	14	0.052	0.819
Tried to get victim fired from job	16	19	0.112	0.738
Hurt a pet on purpose	11	11	0.001	0.972

Relationship Status and Stalking

Former intimate partners were more likely than current intimates to stalk both femicide and attempted femicide women; 69% of the femicide victims in current relationships reported stalking by the perpetrator compared to 88% of femicide victims reporting the relationship had ended. Among attempted femicide victims, 63% of the women in current relationships reported stalking compared to 68% in ended relationships. Finally, when asked if the woman had reported the stalking behaviors, 54% of the femicides and 46% of the attempted femicide respondents answered affirmatively. The most common reporting agency for both groups of women was the police. Although none of these differences were found to be statistically significant, they demonstrate further the relatively high level of stalking among both groups.

DISCUSSION

This study found that 76% of femicide and 85% of attempted femicide victims had experienced stalking within 12 months of their actual or attempted murder. The most frequent type of stalking reported was following or spying, followed by surveillance by the perpetrator from a parked car outside the woman's house or work site. Neither type nor extent of stalking significantly differ by femicide or attempted femicide group. When asked about physical abuse during the same time period as the reported stalking, femicide victims were far more likely to have been stalked if they reported abuse. Although in the same direction, the stalking and physical abuse relationship was not as strong for attempted femicide victims. This study did not assess if stalking preceded or followed abuse.

Although former intimate partners were more likely to stalk than current partners, the association was not significant. This finding adds strength to the fact that abused women are at the highest risk for further harm or actual death from the point of ending the relationship to about 2 years postseparation (Campbell, 1992, 1995; Meloy, 1998).

Compared to the study by Moracco et al. (1998) that reports 23.4% of intimate partner femicide victims stalked, these findings reveal a much higher stalking prevalence of 76%. The difference is most likely due to this study's use of proxy informants who knew the victim and perpetrator, whereas Moracco et al. relied on police knowledge. Forty-two percent of the women in this study had not reported the stalking to the police. Overall, results are in line with those of the NVAW survey (Tjaden & Thoennes, 1998); both sources indicate a strong association between intimate partner assault and stalking as well as the occurrence of stalking both by current and former intimate partners.

CONCLUSION

Conclusions are straightforward. During the 12 months before an intimate partner attempted or actually murdered, more than three fourths of the women were stalked and two thirds were

physically assaulted. The association between assault and stalking was strongest for murdered women but it appears that both intimate partner assault and stalking are risk factors for lethal and near-lethal violence for women, especially when these two perpetrator behaviors occur together. Unfortunately, many jurisdictions do not consider stalking by itself grounds for orders of protection and antistalking laws are difficult to enforce for batterers. Although 19% of this sample were stalked but not abused, results suggest that these women were still at serious risk to serious, even deadly, harm.

Although both stalkers and nonstalkers were reported as extremely violent in this sample, the task now is to identify the singular contribution of stalking toward intimate partner femicide and attempted femicide. Risk profiles for lethality have not traditionally included stalking behavior although stalking can definitely be considered a dimension of dominance and control. Certainly, stalking can be conceptualized at the extreme end of the continuum of controlling psychologically abusive behaviors; however, these behaviors tend not to be included on psychological abuse instruments. In addition, the occurrence and/or extent of stalking behavior and its association with intimate partner lethality has not been recorded or reported within existing record systems or research studies.

Clearly, researchers must consider the impact of stalking on intimate partner femicide and attempted femicide for women in all age groups. Is there a severity and pattern sequencing to intimate partner stalking? Does public stalking precede or follow secretive stalking (i.e., hang-up phone calls, anonymous mail, and spying). How do stalkers who physically assault differ from stalkers who do not assault? Efforts are urgently need to compile detailed information on stalking and intimate partner violence. It is essential to include stalking in risk models for intimate partner violence against women and in risk assessments to apprise women of their danger.

APPENDIX A

Inclusion Criteria for Attempted Partner Femicide

-
1. Gunshot or stab wound to the head, neck, or torso.
 2. Gunshot directed at the woman.
 3. Hit with an object, kicked with a steel-toed boot, or otherwise beaten badly enough to cause death or result in loss of consciousness or internal injuries.
 4. Held under water with loss of consciousness or internal injuries.
 5. Strangulation with loss of consciousness.
 6. Victim suffered severe injuries that could have easily lead to death.
-

APPENDIX B

Stalking Survey

Please answer yes or no to the following. During the 12 months before the attempted or lethal incident did the perpetrator

1. Send the victim unwanted letters?
 2. Follow or spy on the victim?
 3. Make unwanted phone calls to the victim?
 4. Stood or sat in a car outside the victim's house, school, or workplace?
 5. Left threatening messages on the telephone answering machine?
 6. Tried to communicate with the victim in other ways against her will?
 7. Destroyed or vandalized the victim's property or destroyed something she loved?
 8. Frightened the victim with a weapon?
 9. Threatened to harm the children if the victim left (or didn't come back)?
 10. Threatened to kill himself (or victim) if the victim left (or didn't come back)?
 11. Threatened to take the children if the victim left (or didn't come back)?
 12. Frightened or threatened the victim's family?
 13. Left scary notes on the victim's car?
 14. Threaten to report the victim to the authorities for taking drugs or for other things the victim did not do?
 15. Threatened to report the victim to child protective services, immigration, or to other authorities if the victim did not do what the perpetrator said?
 16. Threatened to leave the victim if victim didn't do what he said?
 17. Tried to get the victim fired from her job?
 18. Hurt a pet on purpose?
-

REFERENCES

- Annest, J. J., Mercy, J. A., Gibson, D. R., & Ryan, G. W. (1995). National estimates of nonfatal firearm related injuries: Beyond the tip of the iceberg. *Journal of American Medical Association*, 273, 1749-1754.
- Arbuckle, J., Olson, L., Howard, M., Brillman, J., Anctil, C., & Sklar, D. (1996). Safe at home: Domestic violence and other homicides among women in New Mexico. *Annals of Emergency Medicine*, 27, 210-215.
- Bailey, J. E., Kellerman, A. L., Some, G. W., Barton, M. S., Rivera, F. P., & Rushforth, N. P. (1997). Risk factors for violent death of women in the home. *Annals of Internal Medicine*, 127, 777-782.
- Block, C. R., & Christakos, A. (1995). Intimate partner homicide in Chicago over 29 years. *Crime & Delinquency*, 41, 496-526.
- Browne, A., & Williams, K. (1993). Gender, intimacy and lethal violence: Trends from 1967 through 1987. *Gender and Society*, 7, 78-98.
- Bureau of Justice Statistics. (1994). *Violence between intimates* (NCJ 149259). Washington, DC: Department of Justice.
- Burgess, A. W., Baker, T., Greening, D., Hartman, C. R., Burgess, A. G., Douglas, J. E., & Halloran, R. (1997). Stalking behaviors within domestic violence. *Journal of Family Violence*, 12, 389-402.
- Campbell, J. C. (1992). "If I can't have you, no one can": Power and control in homicide of female partners. In J. Radford & D.E.H. Russell (Eds.), *Femicide: The politics of woman killing* (pp. 99-113). New York: Twayne.
- Campbell, J. C. (1995). *Assessing dangerousness: Violence by sexual offenders, batterers, and child abusers*. Thousand Oaks, CA: Sage.
- Coleman, F. L. (1997). Stalking behavior and the cycle of domestic violence. *Journal of Interpersonal Violence*, 12, 420-432.
- Dunn, O. J. (1961). Multiple comparisons among means. *Journal of the American Statistical Association*, 56, 52-64.
- Ellis, D., & DeKeseredy, W. S. (1997). Rethinking estrangement, interventions, and intimate femicide. *Violence Against Women*, 3, 590-609.
- Felder, R., & Victor, B. (1997). *Getting away with murder: Weapons for the war against domestic violence*. New York: Touchstone.
- Greenfeld, L., Rand, M., Craven, D., Klaus, P. A., Perkins, C. A., Ringel, C., Warchol, G., Matson, C., & Fox, J. A. (1998). *Violence by intimates: Analysis of data on crimes by current or former spouses, boyfriends, and girlfriends* (NCJ 167237). Washington, DC: Department of Justice, Bureau of Justice Statistics.
- Hall, D. (1998). Victims of stalking. In J. R. Meloy (Ed.), *The psychology of stalking. Clinical and forensic perspectives* (pp. 115-136). San Diego: Academic Press.
- Hart, B. (1988). Beyond the "duty to warn": A therapist's "duty to protect" battered women and children. In K. A. Yllo & M. Bograd (Eds.), *Feminist perspectives on wife abuse* (pp. 234-248). Newbury Park, CA: Sage.
- Kellerman, A. L., & Mercy, J. A. (1992). Men, women, and murder: Gender-specific difference in rates of fatal violence and victimization. *Journal of Trauma*, 33, 1-2.
- Klein, E., Campbell, J., Soler, E., & Ghez, M. (1997). *Ending domestic violence: Changing public perceptions/halting the epidemic*. Thousand Oaks, CA: Sage.
- Lingg, R. A. (1993). Stopping stalkers: A critical examination of anti-stalking statutes. *St. Johns Law Review*, 67, 347-381.
- McFarlane, J., Soeken, K., Campbell, J., Parker, B., Reel, S., & Silva, C. (1998). Severity of abuse to pregnant women and associated gun access of the perpetrator. *Public Health Nursing*, 15, 201-206.

- McFarlane, J., Willson, P., Lemmey, D., & Malecha, A. (in press). Outcomes of women filing assault charges against an intimate partner. *Violence Against Women*.
- Meloy, J. R. (1996). Stalking (obsessional following): A review of some preliminary studies. *Aggression and Violent Behavior, 1*, 147-162.
- Meloy, J. R. (1998). *The psychology of stalking: Clinical and forensic perspectives*. San Diego: Academic Press.
- Moracco, K., Runyan, C. W., & Butts, J. D. (1998). Femicide in North Carolina, 1991-1993: A statewide study of patterns and precursors. *Homicide Studies, 2*, 422-446.
- National Criminal Justice Association. (1993). *Project to develop a model anti-stalking code for states*. Washington, DC: Department of Justice, National Institutes of Justice.
- Office of Justice Programs. (1998). *Stalking and domestic violence: The third annual report to Congress under the Violence Against Women Act (NCJ 172204)*. Washington, DC: Department of Justice.
- Pathe, M., & Mullen, P. (1997). The impact of stalkers on their victims. *British Journal of Psychiatry, 170*, 12-17.
- Perez, C. (1993). When does obsession become a crime. *American Journal of Criminal Law, 20*, 263-280.
- Sheridan, D. (1998). *Measuring harassment of battered women: A nursing concern*. Unpublished doctoral dissertation, Oregon Health Sciences University, Portland.
- Smith, P. H., Moracco, K. E., & Butts, J. D. (1998). Partner homicide in context: A population-based perspective. *Homicide Studies, 2*, 400-421.
- Tjaden, P., & Thoennes, N. (1998). *Stalking in America: Findings from the National Violence Against Women survey (NCJ 169592)*. Washington, DC: Department of Justice, National Institute of Justice.
- Walker, L. E., & Meloy, J. R. (1998). Stalking and domestic violence. In J. R. Meloy (Ed.), *The psychology of stalking: Clinical and forensic perspectives* (pp. 139-160). San Diego: Academic Press.
- Wiist, W., & McFarlane, J. (1998). Severity of spousal and intimate partner abuse to pregnant Hispanic women. *Journal of Health Care for the Poor and Underserved, 9*, 248-261.

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OKANOGAN COUNTY

The Support Center
PO Box 3639 \ Omak, WA 98841
Phone: 509-826-3221
HOTLINE: 888-826-3221
www.thesupportcenter.org

PACIFIC COUNTY

Crisis Support Network
PO Box 311 \ Raymond, WA 98577
Phone: 360-875-6702
HOTLINE: 800-435-7276
www.crisis-support.org

PEND OREILLE COUNTY

Pend Oreille Crime Victim Services
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Phone: 509-447-2274
HOTLINE: 509-447-5483
www.pofcn.org

PIERCE COUNTY

Sexual Assault Center of Pierce County
633 N Mildred St #J \ Tacoma, WA 98406
Phone: 253-597-6424
HOTLINE: 800-756-7273
www.sexualassaultcenter.com

SAN JUAN COUNTY

DV/SA Services of the San Juan Islands
PO Box 1516 \ Eastsound, WA 98245
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HOTLINE: 360-376-1234 (Orcas)
360-378-2345 (San Juan) 360-468-3456 (Lopez)
www.dvsassanjuans.org

SKAGIT COUNTY

Skagit Domestic Violence & Sexual Assault Services
PO Box 301 \ Mount Vernon, WA 98273
Phone: 360-336-9591
HOTLINE: 888-336-9591
www.skagitdvsas.org

SKAMANIA COUNTY

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PO Box 477 \ Stevenson, WA 98648
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HOTLINE: 877-427-4210

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Providence Intervention Center for Assault & Abuse
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HOTLINE: 425-252-4800
http://www.providence.org/everett/programs_and_services/sexual_assault_center/default.htm

SPOKANE COUNTY

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www.lcsnw.org/spokane/SAFeT.html

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www.ruralresources.org

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St. James Family Center / The Charlotte House
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Phone: 360-795-6401
HOTLINE: 360-795-6400
www.stjamesfamilycenter.org

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YWCA of Walla Walla
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Phone: 509-525-2570
HOTLINE: 509-529-9922
www.ywcaww.org

WHATCOM COUNTY

DV/SA Services of Whatcom County
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www.dvsas.org

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HOTLINE: 509-332-4357
www.atvp.org

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HOTLINE: 509-837-6689
www.co.yakima.wa.us/CommSvc/directry/crisis.htm

YAKIMA COUNTY

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BENTON COUNTY

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830 North Columbia Center Blvd #H \ Kennewick, WA 99336
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www.sexualassaultresponsecenter.com

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Domestic & Sexual Violence Crisis Center
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HOTLINE: 509-888-help
www.findsafety.org

CLALLAM COUNTY

Forks Abuse Program
PO Box 1775 \ Forks, WA 98331
Phone: 360-374-6411
HOTLINE: 360-374-2273

CLALLAM COUNTY

Healthy Families of Clallam County
1210 East Front Street, Suite #C \ Port Angeles, WA 98362
Phone: 360-452-3811
HOTLINE: 360-452-4357
www.healthyfam.org

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3609 Main St \ Vancouver, WA 98663
Phone: 360-696-0167
HOTLINE: 360-695-0501
<http://www.ywcaclarkcounty.org>

COLUMBIA COUNTY

YWCA of Walla Walla
213 S 1st Ave \ Walla Walla, WA 99362
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HOTLINE: 509-529-9922
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DOUGLAS COUNTY

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FERRY COUNTY

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HOTLINE: 509-775-2014

FRANKLIN COUNTY

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www.sexualassaultresponsecenter.com

GARFIELD COUNTY

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GRANT COUNTY

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GRAYS HARBOR COUNTY

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www.ghbeyondsurvival.com

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Citizens Against Domestic & Sexual Abuse
PO Box 190 \ Oak Harbor, WA 98277
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HOTLINE: 800-215-5669
www.cadacanhelp.org

JEFFERSON COUNTY

DV/SA Program of Jefferson County
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Phone: 360-385-5292
HOTLINE: 360-385-5291
www.dvsajeffco.org

KING COUNTY

Abused Deaf Women's Advocacy Services
8623 Roosevelt Way NE \ Seattle, WA 98115
Phone: 206-726-0093 TTY
HOTLINE: 888-236-1355 TTY
www.adwas.org

KING COUNTY

Children's Response Center
1120 112th Ave NE #130 \ Bellevue, WA 98004
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HOTLINE: 425-688-5130
www.childrensresponsecenter.org

KING COUNTY

Harborview Center for Sexual Assault & Traumatic Stress
325 9th Ave MS359947 \ Seattle, WA 98104
Phone: 206-744-1600
HOTLINE: 206-744-1600
www.hcsats.org

KING COUNTY

King County Sexual Assault Resource Center
PO Box 300 \ Renton, WA 98057
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HOTLINE: 888-99voice
www.kcsarc.org

KITSAP COUNTY

Kitsap Sexual Assault Center
PO Box 1936 \ Port Orchard, WA 98366
Phone: 360-479-1788
HOTLINE: 360-479-8500

KITSAP COUNTY

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www.cwcmh.org

Klickitat County

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HOTLINE: 800-352-5541
www.wgap.ws/Peaceful_Living.php

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Human Response Network
PO Box 337 \ Chehalis, WA 98532
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HOTLINE: 800-244-7414
www.hrnlc.org

LINCOLN COUNTY

Family Resource Center of Lincoln County
PO Box 1130 \ Davenport, WA 99122
Phone: 509-725-4358
HOTLINE: 800-932-0932

MASON COUNTY

Center for Advocacy & Personal Development
PO Box 1576 \ Shelton, WA 98584
Phone: 360-426-6925
HOTLINE: 360-490-5228

Washington State Coalition Against Domestic Violence Member Programs (WSCADV)

COUNTY	NAME	CITY	OFFICE #	CRISIS #
Adams	New Hope Domestic Violence Svc.	Moses Lake	(509) 764-8402	(888) 560-6027
Asotin	YWCA	Lewiston, ID	(208) 743-1535	(800) 669-3176
Benton	DV Svc. of Benton & Franklin Counties	Kennewick	(509) 735-1295	(800) 648-1277
Chelan	Domestic & Sexual Violence Crisis Center	Wenatchee	(509) 663-7446	(509) 663-7446
Clallam	Forks Abuse Program	Forks	(360) 374-6411	(360) 374-2273
	Port Angeles	Healthy Families	(360) 452-3811	(360) 452-4357
Clark	YWCA	Vancouver	(360) 696-0167	(800) 695-0167
Columbia	YWCA	Dayton	(509) 382-9922	(509) 382-9922
Cowlitz	Emergency Support Shelter	Kelso	(360) 425-1176	(360) 636-8471
Ferry	Connections	Republic	(509) 775-3331	(800) 269-2380
Franklin	DV Svc. of Benton & Franklin Counties	Kennewick	(509) 735-1295	(800) 648-1277
Grant	New Hope Domestic Violence Svc.	Moses Lake	(509) 764-8402	(888) 560-6027
Grays Harbor	Domestic Violence Center of Grays Harbor	Hoquiam	(360) 538-0733	(800) 818-2194
Island	Citizens Against Domestic Abuse	Oak Harbor	(360) 675-7057	(800) 215-5669
Jefferson	Domestic Violence & Sexual Assault Program	Port Townsend	(360) 385-5291	(360) 385-5291
King	Abused Deaf Women's Advocacy Svc.	Seattle	(206) 726-0093 TTY	(206) 236-3134
	Alcohol/Drug Help Line - DV Outreach Project	Seattle	(206) 722-3703	(206) 722-3700
	Asian & Pacific Islander Women & Family Safety Ctr.	Seattle	(206) 467-9976	
	CHAYA	Seattle	(206) 568-7576	
	Consejo Counseling & Referral	Seattle	(206) 461-4880	
	Domestic Abuse Women's Network (DAWN)	Tukwila	(425) 656-4305	(425) 656-7867
	Eastside Domestic Violence Program	Bellevue	(425) 562-8840	(800) 827-8840
	Jennifer Beach Foundation	Covington	(253) 630-7193	
	Jewish Family Svc. - Project Dvora	Seattle	(206) 461-3240	(206) 461-3222
	New Beginnings	Seattle	(206) 783-4520	(206) 522-9472
	NW Immigrant Rights Project	Seattle	(206) 587-4009	
	NW Network of Bisexual, Trans, Lesbian & Gay Survivors of Abuse	Seattle	(206) 568-7777	

	Refugee Women's Alliance	Seattle	(206) 721-0243	(206) 721-0243
COUNTY	NAME	CITY	OFFICE #	CRISIS #
	Salvation Army - Catherine Booth House	Seattle	(206) 405-4290	(206) 324-4943
	Salvation Army Domestic Violence Program	Seattle	(206) 442-8397	
	Seattle Indian Health Board	Seattle	(206) 324-9360	
	Solid Ground - Broadview Emergency Shelter & Transitional Housing Program	Seattle	(206) 299-2500	(206) 299-2500
	YWCA - East Cherry Domestic Violence Svc.	Seattle	(206) 568-7843	(206) 461-4436
	YWCA - Seattle Emergency Shelter	Seattle	(206) 461-4888	
	YWCA of Seattle - King County - Snohomish County	Seattle	(206) 490-4353	(206) 461-4882
	YWCA - ALIVE Program	Bremerton	(360) 479-0522	(800) 500-5513
Kittitas	Abuse, Support & Prevention Education Now (ASPEN)	Ellensburg	(509) 925-9384	
Klickitat	Programs for Peaceful Living	Bingen - White Salmon	(509)-493-1533	(800) 352-5541
		Bingen - Goldendale	(509)-773-6100	(800) 352-5541
Lewis	Families in Crisis	Chehalis	(360) 748-1081	
	Human Response Network	Chehalis	(360) 748-6601	(800) 244-7414
	White Pass Community Svc. Coalition	Morton	(360) 496-5305	(360) 496-2322
Lincoln	Family Resource Center	Davenport	(509) 725-4358	(800) 932-0932
Mason	Turning Point	Shelton	(360) 426-1216	(800) 932-0932
Okanogan	The Support Center	Omak	(509) 826-3221	(888) 826-3221
Pacific	Crisis Support Network	Raymond	(360) 875-6702	(800) 435-7276
Pend Oreille	Family Crisis Network	Newport	(509) 447-2274	(509) 447-5483
Pierce	Crystal Judson Family Justice Center	Tacoma	(253) 798-4310	
	Korean Women's Association	Tacoma	(253) 535-4202	(253) 535-4202
	YWCA of Tacoma/Pierce County	Tacoma	(253) 272-4181	(253) 383-2593
San Juan	Domestic Violence & Sexual Assault Svc.	Eastsound - Lopez	(360) 468-3788	(360) 468-4567
	Dorothy Place/Opportunity Council	Eastsound - Orcas Bellingham	(360) 376-5979 (360) 734-5121	(360) 376-1234

COUNTY	NAME	CITY	OFFICE #	CRISIS #
Skagit	Domestic Violence & Sexual Assault Svc.	Mount Vernon	(360) 336-9591	(800) 726-6010
Skamania	County Council on Domestic Violence & Sexual Assault	Stevenson	(509) 427-4210	(877) 427-4210
Snohomish	Domestic Violence svc.	Everett	(425) 259-2827	(425) 252-2873
	YWCA	Lynwood	(425) 774-9843	
Spokane	YWCA - Alternative to Domestic Violence	Spokane	(509) 326-1190	(509) 326-2255
Stevens	Family Support Center	Colville	(509) 684-3796	(509) 684-6139
Thurston	Partners in Prevention Education	Olympia	(360) 357-4472	
	Safeplace	Olympia	(360) 786-8754	(360) 754-6300
Wahkiakum	St. James Domestic Violence Program	Cathlamet	(360) 795-8612	(360) 795-6400
	Charlotte House	Cathlamet	(360) 795-6400	(360) 795-6400
Walla Walla	Cookie's Retreat Center NW	Walla Walla	(509) 525-9999	(509) 624-6333
	YWCA	Walla Walla	(509) 525-2570	(509) 529-9922
Whatcom	Dorothy Place/Opportunity Council	Bellingham	(360) 734-5121	
	Domestic Violence & Sexual Assault Svc.	Bellingham	(360) 671-5714	(360) 715-1563
	Womencare Shelter	Bellingham	(360) 671-8539	(877) 227-3360
Whitman	Alternatives to Violence of the Palouse	Pullman	(509) 332-0552	(509) 332-4357
Yakima	Lower Valley Crisis Support Svc.	Sunnyside	(509) 837-6689	(509) 837-6689
	YWCA - Family Crisis Program	Yakima	(509) 248-7796	(509) 248-7796

Planning for Your Safety

- Do not depend solely on SAVIN Protective Order, or any other single program, for your safety. If you feel you may be at risk, contact your local law enforcement agency.
- Keep a copy of your protective order with you at all times. Give copies to trusted family members and friends so they will be aware of the conditions and protections.
Having a copy of the order on hand may be critical if the respondent violates the order at a location away from your home.
- Keep copies of important documents for you and your child/children in a safe place or with a trusted person (i.e. Social Security card, driver's license, birth certificates, bank statements, paycheck receipts, medicines, medical equipment, etc.)

If your order is violated, call 911

or contact your local law enforcement agency. The police may file a criminal complaint for a violation of a protective order.

Other Resources

National Domestic Violence Hotline:
1-800-799-SAFE (7233) (v) 1-800-787-3224 (TTY)
State Domestic Violence Hotline: 1-800-562-6025 (v/TTY)
Local Domestic Violence Hotline:
Local Sexual Assault Center Hotline:
Local Law Enforcement Phone Number:

SAVIN Protective Order

Know when your protective order is served.
Register for free phone notification through SAVIN Protective Order:

1-877-242-4055^(v)

If You Travel or Move Out of State

If you travel in the U.S., your protective order should be enforced by law enforcement agencies and courts in other states and jurisdictions. If you move out of the state in which your order was issued, check with an advocate, local law enforcement agency or the court about whether or not you need to register the protective order in your new location. Carry a certified copy of the protective order with you at all times to show to officials who can help protect you.

Sponsoring Agency Information

Washington Statewide Automated Victim Information and Notification (SAVIN) Protective Order is provided by the Washington Association of Sheriffs and Police Chiefs (WASPC) and is supported by funding from the State of Washington and the Bureau of Justice Assistance, grant number 2006VNCX0004. The Bureau of Justice Assistance is a component of the Office of Justice Programs. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

WASPC

The mission of WASPC is to provide support services which enhance public safety.

For more information regarding this program, contact:

Dawn Larsen
Director of Projects
360-486-2419 or dlarsen@waspc.org
WASPC

3060 Willamette Ave., NE
Lacey, WA 98516

Will you know when your protective order is served?



Register for free phone notification:

1-877-242-4055^(v)

Anonymous. Important.

 **SAVIN Protective Order**
powered by VINE®

What is SAVIN Protective Order?

SAVIN Protective Order is a free telephone service that lets petitioners access information about their protective orders.

Petitioners can register to be notified by phone when a protective order is served, when the order is about to expire, and when other related events occur -- without the respondent's knowledge.

Operators are available 24 hours a day to register petitioners, answer questions, and provide information about local victim services.

How to register and search:

1. Before you call SAVIN Protective Order, have your **case number** ready. You can find it on your petition or protective order.

2. Call the **Washington SAVIN Protective Order Line toll-free at 1-877-242-4055**. When asked, press one (1) to continue. If you do not have a touch-tone telephone, simply wait on the line until you are connected to an operator.

A. To register for notifications on an order that has **not yet** been served, press zero to speak with a VINE operator.

B. To register for notification, you will be asked for a **telephone number** where you can be reached and a four-digit **Personal Identification Number (PIN)**.

3. To search for the status of a protective order that has been served and is in effect, press one (1) and then enter the case number followed by the pound (#) sign. (If your case number contains letters, press the number that corresponds to the letter on your keypad.)

4. To change or update a telephone number or PIN that you have previously registered with this service, press two (2). You will need to provide the previously registered phone number and PIN to make any changes.



SAVIN Protective Order

When SAVIN Protective Order calls:

When SAVIN Protective Order calls, you will be asked to enter your PIN, followed by the pound (#) sign to let the system know you got the call.

If there is no answer, or if the call goes to an answering machine, the system will continue to call for up to 24 hours or until a correct PIN is entered. A short, basic message will be left on your answering machine. Because of safety concerns, the message will not state who is calling, nor information about your case.

You will receive notification:

- When the order has been served on the respondent
- As a reminder when your order is about to expire (you may want to extend your order at that time)

Keep this card in a safe place

Write down the information related to your case and keep this card handy for future reference. For safety reasons, **do not share your PIN with others.**

My case number: _____

My four-digit PIN: _____

Contact number: _____

My victim advocate: _____

If you have registered but have not received notification that the order has been served within three to four days, contact the court, police or your victim advocate.

Do not depend solely on SAVIN Protective Order, or any other single program, for your safety. If you feel you may be at risk, contact your local law enforcement agency.

If your order is violated, call 911.

Important Things to Know

What is a protective order?

This is a court order issued by a judge to protect a victim (the petitioner) from someone who has been abusive or threatened violence (the respondent). This order requires the respondent to stop the abuse and stay away from the petitioner. It also authorizes the arrest of the person who violates provisions of the order.

Who is the petitioner?

The petitioner is the person who asks the court to issue the order and needs protection.

Who is the respondent?

The respondent is the person who has been abusive or threatened violence.

Who can register for notifications?

Any petitioner may register for notification. A petitioner may also choose to share the toll-free number and the case number, **but not your PIN**, with family members or friends. They may register for notification using their own PIN.

How do I protect my PIN? What if I forget my PIN or want to stop notifications?

Protecting your PIN is the key to receiving notification. Choose a PIN that only you know. Your victim advocate can help you reset your PIN or cancel notification. Operators are also available around-the-clock for assistance.

What if the respondent tries to get information about me through SAVIN Protective Order?

The respondent will not know you are registered with SAVIN Protective Order.

Other questions?

Call the toll-free Washington SAVIN Protective Order Line at 1-877-242-4055 (v). Wait on the line to speak with an operator.

*You have a right to live a life
safe from both physical
and sexual assault.*

SEEKING LEGAL HELP

You have the right to make a police report. It is the responsibility of the police to obtain basic information and attend to your physical well-being. The police can also help you find transportation to the hospital or to a safe location.

Sexual assault is a crime. Your partner or spouse can be prosecuted, and you can sue in civil court for pain and suffering if you choose to.

*An advocate is available to support
you throughout the legal process.*

*Contact an Advocate
for further help.*

Sexual assault in an intimate relationship can happen to anyone. It may be difficult to talk about your experiences, and you may feel many different emotional and physical reactions as a result of the abuse. We are here to listen and to provide support for healing through advocacy counseling and medical and legal advocacy.

Please contact an advocate at:



Washington Coalition of Sexual Assault Programs

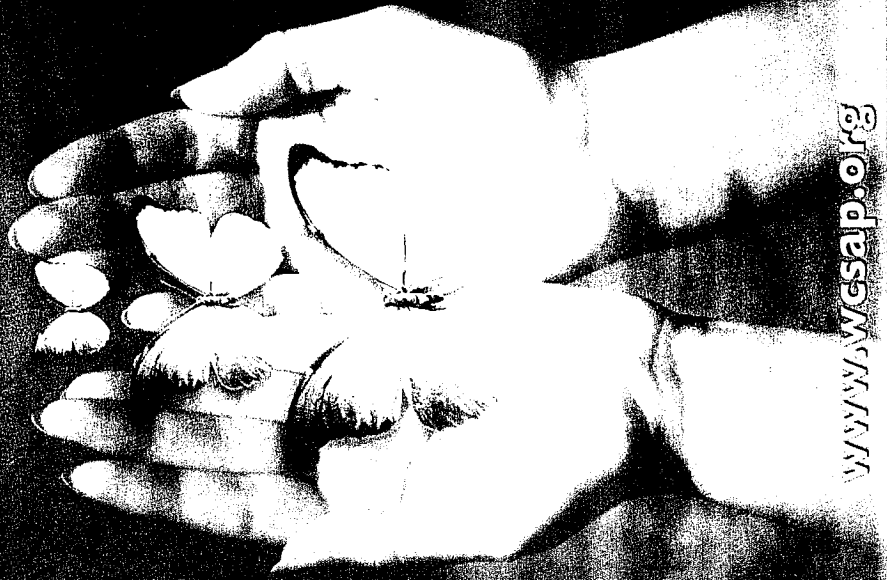
This project was supported by Grant No. 2005-X0229-WA-WE awarded by the Office on Violence Against Women, U.S. Department of Justice, and through the Office of Crime Victims Advocacy, Department of Community, Trade & Economic Development.

Points of view in this document are those of the author and do not represent the official position of the funder.

Know the Truth about INTIMATE PARTNER SEXUAL VIOLENCE

fact:

1 out of 10 people
has been raped by
an intimate partner¹



www.wesap.org

ABOUT INTIMATE PARTNER SEXUAL VIOLENCE

- Has your partner ever made you have a sexual experience when you didn't want to?
- Have you ever participated in sexual activities with your partner out of fear, or because they threatened, pressured, or hurt you?
- Has your partner ever had sexual contact with you when you were physically or mentally unable to consent?

Know the facts:

- You are not alone, and it is alright to feel hurt, angry, betrayed and confused.
- This is not your fault - your actions did not cause this to happen.
- You have the right to say "NO" to any kind of sexual contact, even if you are in an intimate relationship with the person you are saying no to.
- You are not obligated to have sex with your partner, even if you are married.
- Forced sexual activity in an intimate relationship is just as serious as if forced by a stranger.
- Intimate partner sexual violence is a crime.
- You have the right to report the rape and/or sexual assault to the police.

You may be experiencing many types of abuse in your relationship with your partner, including physical, verbal, mental, and sexual abuse.

A trained advocate is available to talk with you and provide you with support for healing. You can contact an advocate by calling the number listed at the end of this brochure.

People who are sexually assaulted by their partners might stay in the relationship for many years. They may feel they did something to cause the abuse or that it is their duty to have sex with their partners. Some people have had positive sexual experiences with their partners in the past, and therefore may feel that rape or sexual assault is not possible.

It does not matter what type of relationship you have with your partner, or what your past sexual experiences were; if you do not consent to the sexual activity, it is rape.

SEEKING MEDICAL HELP

If you have been sexually assaulted recently, you may want to consider going to the hospital to receive medical care, or you may choose to have a sexual assault evidence examination. This exam is free, and it preserves evidence in case you want to make a police report.

Medical attention is confidential for adults and can be extremely important.

An advocate is available to support you throughout the medical process.

To preserve evidence after the assault:

- ☒ Do not take a shower or wash
- ☒ Do not douche
- ☒ Do not change your clothing
- ☒ Bring a change of clothes with you to the hospital

Mahoney, P. Williams L.
Sexual Assault in Marriage
Prevalence, consequences, and treatment of wife rape

Remember... you are not alone, and it's not your fault.

Crime Victims Bill of Rights

The Kitsap County Prosecutor's Office will make reasonable efforts to ensure that victims and witnesses are afforded the following rights (See RCW 7.69.030)–

1. With respect to victims of violent or sex crimes, to receive a written statement of the rights of crime victims. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program.
2. To be informed of the final outcome of the case.
3. To be informed of changes in court dates for which you have been subpoenaed.
4. To receive protection from harm and threats of harm arising from your cooperation with law enforcement and prosecution, and to be informed as to the level of protection available.
5. To receive witness fees to which you are entitled.
6. To have, whenever practical, a secure waiting area during court proceedings that does not require you to be near defendants and their families or friends.
7. To have any stolen or other personal property used as evidence returned when no longer needed as evidence.
8. To have someone intervene with your employer if necessary when you are required to be in court.
9. To have access to immediate medical assistance without unnecessary delay. Victims of domestic violence, sexual assault, or stalking shall be notified of their right to reasonable leave from employment.
10. With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or a support person of their choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim.
11. To be present in court during trial if you are a victim or survivor of a victim, after your testimony has been given and no further testimony is required, and not to be excluded just because you have testified.
12. If requested, to be informed of the date, time and location of the trial and sentencing hearing in felony cases if you are the victim or survivor of the victim.
13. To submit a victim impact statement to the court which shall be included in all presentence reports and permanently included in the files accompanying the offender committed to the custody of a state agency.
14. To present a statement in person or in writing at the sentencing hearing in felony cases if you are the victim or a survivor of the victim.
15. To have restitution ordered by the court, unless the court finds this inappropriate, in felony cases if you are the victim or survivor of a victim.
16. To present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.
17. To present a statement to the Indeterminate Sentence Review Board in person, via audio or videotape, in writing or by representation prior to the granting of parole or community custody of any offender under the board's jurisdiction.

VICTIM SERVICES

Washington State Coalition Against Domestic Violence
206-389-2515 (V)
206-389-2900 (TTY)

Washington Coalition of Sexual Assault Programs
800-775-8013 (V)
360-709-0305 (TTY)

Domestic Violence Hotline - 24hrs.
800-562-6025 (V & TTY)

Office of Crime Victims Advocacy
800-822-1067 (V)

Department of Corrections
Victim Services Program
800-322-2201 (V)

Washington Coalition of Crime Victim Advocates
360-456-3858 (V)

Department of Social and Health Services
Victim/Witness Notification Program
800-422-1536 (V)

Families and Friends of Violent Crime Victims
800-346-7555 (V)

National Deaf Domestic Violence Hotline - 24hrs.
800-787-3224 (TTY)

Crime Victims Compensation
800-762-3716 (V)

Address Confidentiality Program
800-822-1065 (V)

Mothers Against Drunk Driving (Victim/Survivor Hotline)
877-MADD-HELP (877-623-3435) (V)

Notes:

This project was supported by Grant No. 2006-VN-CX-0004 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

English

Revised 06/12

WA SAVIN

Washington Statewide
Victim Information and
Notification Service



VICTIMS HAVE THE RIGHT TO KNOW

Access to Information & Notification for
Offender Custody Status

1-877-846-3492

TTY 1-866-847-1298

www.vinelink.com



A service provided by the:
**Washington Association of
Sheriffs and Police Chiefs**

1-877-846-3492
www.vinelink.com

WASHINGTON STATEWIDE AUTOMATED VICTIM INFORMATION & NOTIFICATION SERVICE

1-877-846-3492

www.vinelink.com TTY 1-866-847-1298

WA SAVIN is an automated service that lets you track the custody status of offenders in jail or prison. By calling the toll-free number or visiting www.vinelink.com, you can find out the custody status of an offender. You may also register to be notified by phone and/or email if the custody status of an offender changes.



Information

Call 1-877-846-3492 or visit www.vinelink.com and follow the instructions to access custody status information.

Registration

If the offender is in custody, you may register to receive notifications.

If registering a phone number, you will be asked to create a four-digit personal identification number (PIN) that will be used to confirm that the call was received. Make sure your PIN is easy to remember.

Notification

You will be notified about the following events:

- Release
- Death
- Transfer
- Work release
- Escape
- Furlough

When WA SAVIN calls, listen to the message, then enter your PIN followed by the pound (#) key when asked. Entering the PIN lets WA SAVIN know that you received the message and will stop the service from calling you again.

- If you feel you are in danger, call 911 immediately.
- As WA SAVIN calls automatically when there is a change in an offender's custody status, you may get a call from SAVIN in the middle of the night.
- If you do not answer a notification call, WA SAVIN will leave a message and will continue calling back until you enter your PIN or until up to 24 hours have passed.
- If you forget your PIN, call the toll-free number and press zero. You will be transferred to an operator who can help you reset your PIN or cancel notification. To change your PIN, visit www.vinelink.com.
- Operators are available 24 hours a day, seven days a week to assist you.
- You can register multiple phone numbers and email addresses for notifications.
- WA SAVIN is confidential. The offender will not know you are registered with WA SAVIN.

**Write down the following information,
tear off this panel,
and keep in a safe place:**

Offender name

Offender number

Your four-digit PIN

USING WA SAVIN

Information

Call 1-877-846-3492 or visit www.vinelink.com and follow the instructions to access custody status information.

Registration

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When WA SAVIN calls, listen to the message, then enter your PIN followed by the pound (#) key when asked. Entering the PIN lets WA SAVIN know that you received the message and will stop the service from calling you again.



Do not rely solely on WA SAVIN for your safety. If you feel that you may be at risk, take precautions as if the offender has already been released.

SERVICIOS PARA LAS VÍCTIMAS

Coalición contra la Violencia Doméstica en el Estado de Washington
206-389-2515 (V)
206-389-2900 (TTY)

Coalición de Programas contra el Asalto Sexual en Washington
800-775-8013 (V)
360-709-0305 (TTY)

Línea Auxiliar contra la Violencia Doméstica – 24 horas
800-562-6025 (V & TTY)

Oficina de Defensa para las Víctimas de Crimen
800-822-1067 (V)

Departamento Correccional
Programa de Servicios a las Víctimas
800-322-2201 (V)

Coalición de Representantes de Víctimas de Crimen en Washington
360-456-3858 (V)

Departamento de Servicios Sociales y de Salud
Programa de Notificación a las Víctimas y Testigos
800-422-1536 (V)

Familia y Amigos de Víctimas de Crímenes Violentos
800-346-7555 (V)

Línea Auxiliar Nacional contra la Violencia Doméstica para Individuos con Problemas Auditivos –24 horas
800-787-3224 (TTY)

Compensación a las Víctimas de Crimen
800-762-3716 (V)

Programa de Confidencialidad de Domicilio
800-822-1065 (V)

Madres contra Conductores Ebrios (Línea Auxiliar para Víctimas/Sobrevivientes)
877-623-3435 (V)

Notas:

Este proyecto es auspiciado por el Fondo No. 2006-VN-CX-0004 que fue otorgado por la Agencia de Asistencia Judicial. La Agencia de Asistencia Judicial es parte de la Oficina de Programas Judiciales, que también incluye la Agencia de Estadísticas Judiciales, el Instituto Nacional de Justicia, la Oficina para la Justicia Juvenil y la Prevención de Delincuencia y la Oficina para Víctimas de Crimen. Los puntos de vista u opiniones en este documento pertenecen al autor y no representan la posición oficial ni las políticas del Departamento de Justicia de los Estados Unidos.

Spanish

Revised 08/12

WA SAVIN

Servicio de Notificación a las Víctimas en el Estado de Washington



LAS VÍCTIMAS TIENEN EL DERECHO A SABER

Acceso a Información y Notificación sobre:
Estado de Custodia de Ofensores

1-877-846-3492

TTY 1-866-847-1298

www.vinelink.com



Un servicio proporcionado por:
**Asociación de Alguaciles
y Jefes de Policía
en Washington**

1-877-846-3492
www.vinelink.com

SERVICIO AUTOMATIZADO DE INFORMACIÓN Y NOTIFICACIÓN A LAS VÍCTIMAS EN EL ESTADO DE WASHINGTON

1-877-846-3492

www.vinelink.com TTY 1-866-847-1298

WA SAVIN es un servicio automatizado que provee información sobre el estado de custodia de ofensores en la cárcel o prisión. Cuando llame a la línea gratuita o cuando visite www.vinelink.com, usted puede buscar información sobre el estado de custodia de un ofensor. Usted también puede registrarse para ser notificado por teléfono y/o correo electrónico si el estado de custodia de un ofensor cambie.



Información

Llame al 1-877-846-3492 o visite www.vinelink.com y siga las instrucciones para obtener acceso a información sobre la custodia.

Registración

Si el ofensor está bajo custodia, usted puede registrarse para recibir notificaciones.

Si está registrando un número de teléfono, se le pedirá que proporcione un número de identificación personal de cuatro dígitos (PIN) para confirmar que recibió la llamada. El PIN debe ser un número fácil de recordar.

Notificación

Se le notificará de los siguientes acontecimientos:

- Liberación
- Muerte
- Traslado
- Liberación para Trabajar
- Escape
- Salida Autorizada

Cuando WA SAVIN llame, escuche el mensaje y marque su PIN, seguido por el signo de número (#) en el momento en que se le indique. Al marcar su PIN, WA SAVIN sabrá que usted recibió el mensaje y detendrá el servicio para que no le llame nuevamente.

- Si usted siente que está en peligro, llame al 911 inmediatamente.
- WA SAVIN llamará automáticamente cuando el estado de custodia de un ofensor cambie. Es posible que usted reciba una llamada de SAVIN a media noche.
- Si usted no contesta una llamada de notificación, WA SAVIN dejará un mensaje y continuará llamando hasta que ingrese su PIN o hasta que hayan transcurrido 24 horas.
- Si usted olvida su PIN, llame a la línea gratuita y marque el cero. Usted será transferido a un operador que le puede ayudar a cambiar su PIN o cancelar las notificaciones. Para cambiar su PIN, visite www.vinelink.com.
- Los operadores están disponibles las 24 horas al día, siete días a la semana para asistirle.
- Usted puede registrar varios números de teléfono y direcciones de correo electrónico para las notificaciones.
- WA SAVIN es confidencial. El ofensor no sabrá que usted se registró con WA SAVIN.

**Anote la siguiente información,
corte este panel y guárdelo
en un lugar seguro:**

Nombre del ofensor

Número del ofensor

Su PIN de cuatro dígitos

USANDO WA SAVIN

Información

Llame al 1-877-846-3492, o visite www.vinelink.com y siga las instrucciones para obtener acceso a información sobre la custodia.

Registración

Si el ofensor está bajo custodia, usted puede registrarse para recibir notificaciones.

Si está registrando un número de teléfono, se le pedirá que proporcione un número de identificación personal de cuatro dígitos (PIN) para confirmar que recibió la llamada. El PIN debe ser un número fácil de recordar.

Notificación

Se le notificará de los siguientes acontecimientos:

- Liberación
- Muerte
- Traslado
- Liberación para Trabajar
- Escape
- Salida Autorizada

Cuando WA SAVIN llame, escuche el mensaje y marque su PIN, seguido por el signo de número (#) en el momento en que se le indique. Al marcar su PIN, WA SAVIN sabrá que usted recibió el mensaje y detendrá el servicio para que no le llame nuevamente.



No dependa únicamente de WA SAVIN para su seguridad. Si usted siente que puede estar en peligro, tome las precauciones como si el ofensor ya hubiera sido liberado.

ОРГАНИЗАЦИИ, ПРЕДОСТАВЛЯЮЩИЕ УСЛУГИ ДЛЯ ЖЕРТВ ПРЕСТУПЛЕНИЙ

Объединение по предотвращению домашнего насилия
штата Вашингтон
206-389-2515 (V)
206-389-2900 (TTY)

Объединение по предотвращению сексуального
насилия штата Вашингтон
800-775-8013 (V)
360-709-0305 (TTY)

Горячая линия для жертв домашнего насилия –
круглосуточно
800-562-6025 (V & TTY)

Управление адвокатской защиты для жертв
преступлений
800-822-1067 (V)

Департамент исправительных учреждений
Программа услуг для жертв преступлений
800-322-2201 (V)

Объединение адвокатов жертв преступлений штата
Вашингтон
360-456-3858 (V)

Департамент Социального обслуживания и
Здравоохранения
Программа оповещения жертв/свидетелей
преступлений
800-422-1536 (V)

Линия для членов семей и друзей жертв
насилованных преступлений
800-346-7555 (V)

Федеральная горячая линия для жертв домашнего
насилия для людей с ограниченным слухом –
круглосуточно
800-787-3224 (TTY)

Компенсация жертвам преступлений
800-762-3716 (V)

Программа конфиденциальности адреса
800-822-1065 (V)

Матери против вождения автомобилей в состоянии
алкогольного опьянения (горячая линия для жертв/
пострадавших)
877-623-3435 (V)

www.vinelink.com

Заметки

Этот проект получил грант No. 2006VNCX0004 Комитета по содействию правосудию. Комитет по содействию правосудию является частью Управления Юстиции, которое также включает в себя Комитет юридической статистики, Федеральный Институт Правосудия, Службу правосудия и профилактики правонарушений в отношении несовершеннолетних, и Службу для жертв преступлений. Документ отражает точку зрения и мнение автора, которые не носят официальный характер и не представляют официальную позицию Департамента Юстиции Соединённых Штатов.

Russian

Revised 08/12

WA SAVIN

Служба извещения для
жертв преступлений штата
Вашингтон



ЖЕРТВЫ ПРЕСТУПЛЕНИЙ ИМЕЮТ ПРАВО ЗНАТЬ

Доступ к информации и извещениям о
статусе преступника, находящегося в
заключении

1-877-846-3492

TTY 1-866-847-1298

www.vinelink.com



Служба предоставлена
ассоциацией шерифов и
начальников полиции штата
Вашингтон

СЛУЖБА ИНФОРМАЦИИ И ИЗВЕЩЕНИЯ ЖЕРТВ ПРЕСТУПЛЕНИЙ ШТАТА ВАШИНГТОН

1-877-846-3492

www.vinelink.com TTY 1-866-847-1298

WA SAVIN является автоматизированной службой, которая позволяет Вам отслеживать статус преступников в тюрьме. Позвонив на бесплатный номер телефона или посетив страницу в интернете www.vinelink.com, Вы можете узнать статус преступника. Вы также можете зарегистрироваться для того, чтобы получать уведомления об изменениях статуса преступника по телефону и /или по электронной почте.

Информация

Позвоните по номеру телефона 1-877-846-3492 или посетите страницу в интернете www.vinelink.com и следуйте предложенным инструкциям, чтобы получить доступ к информации о статусе преступника.

Регистрация

Если преступник находится в заключении, Вы можете зарегистрироваться, чтобы получать уведомления. Если Вы регистрируете номер телефона, то Вам будет предложено создать четырёхзначный личный идентификационный номер (PIN), который будет использоваться для подтверждения получения уведомления. Убедитесь, что PIN, который Вы создаёте, будет легко запомнить.

Уведомления

Вы будете получать уведомления о следующих изменениях:

- | | |
|----------------|--------------------------------------|
| • Освобождение | • Смерть |
| • Перевод | • Отпуск |
| • Побег | • Освобождение для работы без конвоя |

Когда Вы получаете телефонный звонок от службы WA SAVIN, прослушайте сообщение, и после того, как будет предложено, введите свой PIN и после него символ решётки (#). Это позволит службе WA SAVIN удостовериться, что Вы получили сообщение, и остановит повторение сообщений службы.



- Если Вы чувствуете себя в опасности, немедленно звоните 911
- Поскольку служба WA SAVIN автоматически уведомляет об изменении статуса преступника, Вы можете получить телефонный звонок с сообщением даже ночью.
- Если Вы не отвечаете на уведомительный телефонный звонок, служба WA SAVIN оставит сообщение и будет продолжать звонить, пока Вы не введёте Ваш PIN или пока не закончится 24-часовой интервал.
- Если Вы забыли свой PIN, позвоните на бесплатный номер телефона и нажмите цифру ноль. Ваш звонок будет направлен оператору, который поможет Вам восстановить Ваш PIN или отменить уведомление. Для того, чтобы изменить Ваш PIN посетите страницу в интернете www.vinelink.com.
- Вы можете обращаться за помощью к операторам 24 часа в сутки, семь дней в неделю.
- Вы можете зарегистрировать несколько номеров телефонов и адресов электронной почты для получения уведомлений.
- Служба WA SAVIN конфиденциальна. Преступник не будет знать о Вашей регистрации в службе WA SAVIN.

Для Вашей безопасности не полагайтесь исключительно на службу WA SAVIN. Если Вы чувствуете, что Вам угрожает опасность, воспользуйтесь такими мерами, как если бы преступник был уже освобождён.

Запишите следующую
информацию, оторвите этот блок
и храните в надёжном месте:

Имя преступника

Номер преступника

Ваш четырёхзначный PIN

ПОЛЬЗОВАНИЕ СЛУЖБОЙ WA SAVIN

Информация

Позвоните по номеру телефона 1-877-846-3492 или посетите страницу в интернете www.vinelink.com и следуйте предложенным инструкциям, чтобы получить доступ к информации о статусе преступника.

Регистрация

Если преступник находится в заключении, Вы можете зарегистрироваться, чтобы получать уведомления. Если Вы регистрируете номер телефона, то Вам будет предложено создать четырёхзначный личный идентификационный номер (PIN), который будет использоваться для подтверждения получения уведомления. Убедитесь, что PIN, который Вы создаёте, будет легко запомнить.

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|----------------|--------------------------------------|
| • Освобождение | • Смерть |
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| • Побег | • Освобождение для работы без конвоя |

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ADEEGYADA DHIBBANEHA

Ururka Gobolka Wahington ee Qaabbilsan Falalka
Xadgudubka ah ee Qoysaska Dhexdooda
206-389-2515 (V)
206-389-2900 (TTY)

Ururka Washington ee Barnaamijyada Faraxumeynta
Ulakaca ah
800-775-8013 (V)
360-709-0305 (TTY)

Khadka Taleefanka 24-ka saac La Soo Garaaco ee Falalka
Xadgudubka Qoysaska Dhexdooda
800-562-6025 (V & TTY)

Xafiiska U-hadla Dhibbaneyaasha Danbiyada Loo Geystay
800-822-1067 (V)

Waaxda Maamulka Xabsiyada
Barnaamijka Adeegyada Dhibbaneha
800-322-2201 (V)

Ururka Washington ee U-Hadla Dhibbaneha Danbi Loo
Geystay
360-456-3858 (V)

Waaxda Adeegyada Dadweynaha iyo Caafimaadka
Barnaamijka Ogeysiinta Dhibbaneha iyo Markhaatiga
800-422-1536 (V)

Qoysaska iyo Asxaabta Dhibbaneyaasha Loo Geystay
Danbiyo Gacanqaad ah
800-346-7555 (V)

Khadka Taleefanka Waddanka oo dhan 24-ka saac
Lacag La'aanta Lagu Soo Garaaco ee Qaabbilsan Falalka
Xadgudubka Qoysaska Dhegaha La' Dhexdooda
800-787-3224 (TTY)

Magdhowga Dhibbaneyaasha Danbiyo Loo Geystay
800-762-3716 (V)

Barnaamijka Qarinta Cinwaanka Goobta Deggenaanshaha
800-822-1065 (V)

Ururka Hooyooyinka Ka-horjeeda Wadista Baabuurta
ee Dadka Cabsan (Taleefanka Dhibbaneha/Ka-
badbaadeyaasha)
877-623-3435 (V)

Qoraallo:

Mashruucan waxaa dhaqaalaha ku caawiyey Deeq uu Lambarkeedu yahay 2006-VN-CX-0004, taas oo ka timid Xafiiska Taakuleynta Caddaaladda. Xafiiskaasi waa qeyb ka mid ah Xafiiska Barnaamijyada Caddaaladda oo ay ku jiraan Xafiiska Tirakoobka Caddaaladda, Machadka Caddaaladda Mareykanka, Xafiiska Caddaaladda Dhalinyarada Yaryar iyo Ka-hortagga Sharci-jebintooda, iyo Xafiiska Dhibbaneyaasha Danbiyada Loo Geystay. Fikradaha waraaqahan ku qoran waxay ka yimaadeen qofka soo qoray, balse ma aha kuwa ka yimid ama go'aan iyo sharciyo u degsan Waaxda Caddaaladda ee Dalka Mareykanka.

Somali

Revised 09/12

WA SAVIN

Adeegga Ogeysiinta iyo
Macluumaadka Dhibbaneha
ee Gobolka Washington



**DHIBBANEYAASHU WAXA
AY XAQ U LEEYIHIIN IN AY
OGAADAAN**

Helidda Macluumaad iyo Ogeysiinta
Xaalad Xirnaansho ee Qof Danbille ah

1-877-846-3492

TTY 1-866-847-1298

www.vinelink.com



Adeeggan waxaa sameeyey:
**Ururka Taliyeyaasha
Booliska iyo Sharifiyada ee
Washington**

ADEEG OGEYSIIN & MACLUUMAAD JOOGTO AH OO LOO SAMEEYO GOBOLKA WASHINGTON OO DHAN

1-877-846-3492

www.vinelink.com TTY 1-866-847-1298

Barnaamijka WA SAVIN waa adeeg si joogto ah loo sameeyo oo la socda xaaladda xirnaanshaha danbiileyaasha ku xiran jeel ama xabsi. Qofkii la soo xiriiira taleefanka lagu soo garaaci karo lacag la'aanta ama booqda www.vinelink.com, wuxuu ka heli karaa xaaladda xirnaanshaha ee qof danbiile ah. Sidoo kale, haddii ay wax iska beddelaan xaaladda xirnaanshaha ee qofka danbiilaha ah, waxaad isu diiwaan gelin kartaa in taleefan iyo/ama cinwaankaaga internetka laguugu soo sheego wixii ogeysiin ah.

Macluumaad

La soo xiriir 1-877-846-3492 ama booqo www.vinelink.com, dabadeedna raac tilmaamaha aad ku ogaan karto macluumaad ku saabsan xaalad xirnaansho.

Is-diiwaangelin

Haddii uu qofka danbiilaha ah xiran yahay waxaad isu diiwaan gelin kartaa in laguugu soo sheego wixii ogeysiin ah.

Haddii aad diiwaan gelineyso lambar taleefan, waxaa lagu weydiin doonaa in aad sameysato afar lambar oo adiga sir kuu ah si loo xaqiijiyo in uu ku soo gaaray taleefankii laguugu soo diray. Iska hubso in aad sameysato afar lambar oo sir ah oo kuu fudud in aad xusuusato.

Ogeysiin

Waxaa lagu soo ogeysiin doonaa arrimaha soo socda:

- Marka la sii daayo danbiile xiran
- Marka danbiile xiran loo beddelo xabsi kale
- Marka uu danbiile xiran fakado
- Marka uu danbiile xiran dhinto
- Marka danbiile xiran shaqo loo sii daayo
- Marka uu danbiile xiran muddo ku shaqeyn doono lacag la'aan

Marka barnaamijka WA SAVIN uu taleefan kugula soo xiriir, dhageyso farriinta laguugu sheegi doono, dabadeedna marka lagu weydiyo garaac afarta lambar ee sirta kuu ah oo taabo calaamadda afar geeska ah (#). Ka dib marka aad garaacdo afarta lambar ee sirta kuu ah, barnaamijka WA SAVIN wuxuu ogaanayaa in ay ku soo gaartay farriintii laguugu hayey, sidaas awgeed ma dhici doonto in taleefan dambe laguugu soo diro farriintaas awgeed.



- Haddii aad dareento in ay naftaadu khatar ku jirto, si degdeg ah u garaac 911.
- Marka ay wax iska beddelaan xaaladda xirnaansho ee ku saabsan qof danbiile ah, barnaamijka WA SAVIN si toos ah ayuu taleefan kuugu soo diri doonaa, sidaas awgeed waxaa laga yaabaa in uu saqda dhexe kuu soo dhaco taleefanka SAVIN.
- Haddii aad ka jawaabi weydo taleefan ogeysiin ah oo laguugu soo diray, barnaamijka WA SAVIN wuxuu kuu duubi doonaa farriin, dabadeedna ilaa ay ka soo wareegato 24 saac waxaa lagu soo celcelin doonaa in la soo garaaco taleefankaaga ilaa iyo inta aad ka jawaabto oo aad garaacdo afarta lambar ee sirta kuu ah.
- Shaqaalaha barnaamijka waxaad heli kartaa 24-ka saac ee maalin kasta iyo toddobada cisho si ay kuu caawiyaan.
- Wixii ogeysiin ah waxaad u diiwaan gashan kartaa taleefanno badan iyo cinwaankaaga internetka.
- Barnaamijka WA SAVIN xogtaada gaarka ah wuu kuu qarin doonaa. Qofka danbiilaha ah ma ogaan doono in aad iska diiwaan gelisay WA SAVIN.

Meel ku qoro macluumaadka soo socda, jeex waraaqda oo dhigo meel aad keligaa ogtahay:

Magaca Danbiilaha

Lambarka Danbiilaha

Afarta lambar ee sirta kuu ah

INAAD U-ISTICMAASHO WA SAVIN

Macluumaad

La soo xiriir 1-877-846-3492 ama booqo www.vinelink.com, dabadeedna raac tilmaamaha aad ku ogaan karto macluumaad ku saabsan xaalad xirnaansho.

Is-diiwaangelin

Haddii uu qofka danbiilaha ah xiran yahay waxaad isu diiwaan gelin kartaa in laguugu soo sheego wixii ogeysiin ah.

Haddii aad diiwaan gelineyso lambar taleefan, waxaa lagu weydiin doonaa in aad sameysato afar lambar oo adiga sir kuu ah si loo xaqiijiyo in uu ku soo gaaray taleefankii laguugu soo diray. Iska hubso in aad sameysato afar lambar oo sir ah oo kuu fudud in aad xusuusato.

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- Marka la sii daayo danbiile xiran
- Marka danbiile xiran loo beddelo xabsi kale
- Marka uu danbiile xiran fakado
- Marka uu danbiile xiran dhinto
- Marka danbiile xiran shaqo loo sii daayo
- Marka uu danbiile xiran muddo ku shaqeyn doono lacag la'aan

Marka barnaamijka WA SAVIN uu taleefan kugula soo xiriir, dhageyso farriinta laguugu sheegi doono, dabadeedna marka lagu weydiyo garaac afarta lambar ee sirta kuu ah oo taabo calaamadda afar geeska ah (#). Ka dib marka aad garaacdo afarta lambar ee sirta kuu ah, barnaamijka WA SAVIN wuxuu ogaanayaa in ay ku soo gaartay farriintii laguugu hayey, sidaas awgeed ma dhici doonto in taleefan dambe laguugu soo diro farriintaas awgeed.



WA SAVIN
Statewide Automated Victim Information and Notification

Ammaanka naftaada ha ku halleyn barnaamijka WA SAVIN oo keliya. Haddii aad dareento in aad khatar ku jirto waa in aad u taxaddarto sidii iyada oo mar hore la sii daayey qofka danbiilaha ah.

피해자를 위한 서비스

와싱턴 주 가정 폭력 반대 연합
206-389-2515 (V)
206-389-2900 (TTY)

와싱턴 주 성폭행 프로그램 연합
800-775-8013 (V)
360-709-0305 (TTY)

가정폭력 핫라인 - 24시간
800-562-6025 (V & TTY)

형사범죄 피해자 옹호사무실
800-822-1067 (V)

교정국 피해자 서비스 프로그램
800-322-2201 (V)

와싱턴 범죄 피해자 옹호 연합
360-456-3858 (V)

사회 복지서비스 부 피해자/증인 통보프로그램
800-422-1536 (V)

폭력 범죄 피해자 가족 및 친구 프로그램
800-346-7555 (V)

전국 청각장애 가정 폭력 핫라인-24시간
800-787-3224 (TTY)

범죄 피해자 보상
800-762-3716 (V)

주소 비밀보장 프로그램
800-822-1065 (V)

음주 운전 반대 어머니회(피해자/생존자 핫라인)
877-623-3435 (V)

주 의:

본 프로젝트는 법무부 지원국이 수여하는 그랜트 NO.2006-VN-CX-0004의 지원에 의한 것입니다.

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Korean

Revised 09/12

와싱턴 SAVIN

와싱턴 주전체 피해자 정보 및
통지 서비스



피해자들은 알 권리가 있습니다.

범법자의 구류 현황에 대한 정보
및 통지 이용

1-877-846-3492

TTY 1-866-847-1298

www.vinelink.com



본 서비스는 다음 기관에
의해 제공됩니다:
와싱턴 보안관 및 경찰
참모 협회

1-877-846-3492
www.vinelink.com

와싱턴SAVIN은 범법자의 구치소 혹은 감옥의 구류 현황을 추적할 수 있는 자동 서비스입니다. 톨 프리(Toll-free) 번호로 전화하시거나, www.vinelink.com으로 방문하시면, 범법자의 구류 현황에 대해 알아보실 수 있습니다. 귀하께서는 또한 범법자의 구류 현황에 변동이 생겼을 경우 전화나 이메일로 통지받도록 등록하실 수 있습니다.



정 보

구류 현황 정보 이용하시려면, 톨 프리(Toll-free) 번호로 전화하시거나www.vinelink.com로 방문하셔서 안내에 따르십시오.

등 록

만일 범법자가 구류 중에 있다면, 귀하께서는 등록하셔서 통지를 받으실 수 있습니다. 전화 번호를 등록하실 때, 통지 전화를 받으셨음을 확인하는 데 이용될 4 자리 비밀 번호 (PIN)를 설정하라고 할 것입니다. 귀하의 비밀 번호(PIN)는 기억하기 용이한 번호로 선택하시는 것을 잊지마십시오.

통 지

귀하께서는 다음의 경우에 통지를 받게 될 것입니다:

- 석방
- 이송
- 탈출
- 사망
- 외부 통근제
- 의료 휴가

와싱턴SAVIN에서 전화를 드리면, 먼저 메시지를 들으신 후, 비밀번호(PIN) 입력 요청시 귀하의 비밀 번호(PIN)를 입력하신 후에 파운드 키를 눌러 주십시오. 비밀 번호(PIN)를 입력하시면 와싱턴SAVIN에서 귀하께서 통지 전화 메시지를 받으셨음이 확인되므로 다시 귀하께 전화드리지 않을 것입니다.

- 귀하께서 위험에 처해있다고 느끼신다면, 즉시 911을 부르십시오.
- 와싱턴 SAVIN은 범법자의 구류 현황의 변동이 생겼을 때 자동으로 전화를 드리는 서비스이므로, 귀하께서는 한 밤중에도 SAVIN의 전화를 받으실 수도 있습니다.
- 귀하께서 만일 통지 전화에 응답하지 않으신다면, 와싱턴SAVIN에서는 메시지를 남길 것이며, 귀하께서 비밀 번호(PIN)를 입력하시거나 24시간이 지날 때까지 계속 전화드릴 것입니다.
- 만일 귀하께서 귀하의 비밀번호(PIN)를 잃어버리셨다면, 톨 프리(toll-free)번호로 전화하신 후 0번을 눌러 주십시오. 귀하께서는 귀하의 비밀번호(PIN) 재설정이나 통지 취소를 도와드리는 교환원으로 연결될 것입니다. 귀하의 비밀번호(PIN)를 변경하시려면, www.vinelink.com으로 방문하십시오.
- 교환원들이 일 주일의 7일, 하루 24시간 동안 귀하를 도와드리기 위해 대기 중에 있습니다.
- 귀하께서는 통지 서비스를 받으시기 위해서 여러 개의 전화 번호와 이 메일 주소를 등록하실 수 있습니다.
- 와싱턴 SAVIN은 비밀이 보장됩니다. 범법자는 귀하께서 와싱턴 SAVIN에 등록하신 것을 알 수 없습니다.

이 등록부를 떼어 다음의 정보를 적으셔서 안전한 곳에 보관하십시오:

범법자 이름

범법자 번호

귀하의 4 자리 비밀 번호(PIN)

와싱턴 SAVIN 이용하기

정 보

구류 현황 정보 이용하시려면, 톨 프리(Toll-free) 번호로 전화하시거나www.vinelink.com로 방문하셔서 안내에 따르십시오.

등 록

만일 범법자가 구류 중에 있다면, 귀하께서는 등록하셔서 통지를 받으실 수 있습니다. 전화 번호를 등록하실 때, 통지 전화를 받으셨음을 확인하는 데 이용될 4 자리 비밀 번호 (PIN)를 설정하라고 할 것입니다. 귀하의 비밀 번호(PIN)는 기억하기 용이한 번호로 선택하시는 것을 잊지마십시오.

통 지

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- 의료 휴가

와싱턴SAVIN에서 전화를 드리면, 먼저 메시지를 들으신 후, 비밀번호(PIN) 입력 요청시 귀하의 비밀 번호(PIN)를 입력하신 후에 파운드 키를 눌러 주십시오. 비밀 번호(PIN)를 입력하시면 와싱턴SAVIN에서 귀하께서 통지 전화 메시지를 받으셨음이 확인되므로 다시 귀하께 전화드리지 않을 것입니다.



귀하의 안전을 위해서 와싱턴SAVIN만을 단독으로 의존하지 마십시오. 귀하께서 위험에 처하셨다고 느끼신다면, 범법자가 이미 석방된 것처럼 예방책을 강구하십시오.

MGA SERBISYO PARA SA BIKTIMA

Washington State Coalition Against Domestic Violence
206-389-2515 (V)
206-389-2900 (TTY)

Washington Coalition of Sexual Assault Programs
800-775-8013 (V)
360-709-0305 (TTY)

Domestic Violence Hotline - 24 oras
800-562-6025 (V & TTY)

Office of Crime Victims Advocacy
800-822-1067 (V)

Department of Corrections
Victim Services Program
800-322-2201 (V)

Washington Coalition of Crime Victim Advocates
360-456-3858 (V)

Department of Social and Health Services
Victim/Witness Notification Program
800-422-1536 (V)

Families and Friends of Violent Crime Victims
800-346-7555 (V)

National Deaf Domestic Violence Hotline - 24 oras
800-787-3224 (TTY)

Crime Victims Compensation
800-762-3716 (V)

Address Confidentiality Program
800-822-1065 (V)

Mothers Against Drunk Driving (Hotline para sa Biktima)
877-623-3435 (V)

Mga Paunawa:

Ang proyektong ito ay sinoportahan ng Grant No. 2006-VN-CX-0004 na ipinagkaloob ng Bureau of Justice Assistance. Ang Bureau of Justice Assistance ay isa sa mga parteng bumubuo ng Office of Justice Programs, na kabilang din ang Bureau of Justice Statistics, ang National Institute of Justice, ang Office of Juvenile Justice and Delinquency Prevention, at ang Office for Victims of Crimes. Ang mga pananaw o mga opinyon sa dokumentong ito ay mula sa may-akda at hindi kumakatawan sa opisyal na posisyon o sa mga patakaran ng Department of Justice ng Estados Unidos.

Tagalog

Revised (Binago) 10/12

WA SAVIN

Washington Statewide
Victim Information and Notification Service
(Serbisyo Ng Washington Sa Lahat Ng
Dako Ng Estado Para Sa Impormasyon at
Pagpapabatid)



ANG MGA BIKTIMA AY MAY KARAPATANG MAKAALAM

Access sa Impormasyon at
Pagpapabatid tungkol sa
Custody Status ng Offender

1-877-846-3492

TTY 1-866-847-1298

www.vinelink.com



Serbisyong handog ng:
Washington Association of
Sheriffs and Police Chiefs

1-877-846-3492
www.vinelink.com

SERBISYO NG WASHINGTON SA LAHAT NG DAKO NG ESTADO PARA SA IMPORMASYON & PAGPAPABATID

1-877-846-3492

www.vinelink.com TTY 1-866-847-1298

Ang WA SAVIN ay isang serbisyong automated na pinahihintulutan kayong alamin lagi ang tungkol sa custody status ng mga offender sa jail o sa preso. Sa pagtawag sa walang-bayad na numero ng telepono o sa pagpunta sa www.vinelink.com, malalaman ninyo ang custody status ng isang offender. Pwede rin kayong magrehistro para pabatiran sa pamamagitan ng telepono at/o email kung magbago ang custody status ng isang offender.

Impormasyon

Tawagan ang 1-877-846-3492 o pumunta sa www.vinelink.com at sundin ang mga instruksyon para ma-access ang impormasyon tungkol sa custody status.

Pagpaparehistro

Kung nakakulong ang offender, kayo ay pwedeng magparehistro para makatanggap ng mga pagpapabatid.

Kung ang irerehistro ninyo ay ang inyong numero ng telepono, hihilingin sa inyo na lumikha ng isang apat na numerong personal identification number (PIN) na gagamitin para kumpirmahin na natanggap ang tawag. Siguraduhing ang PIN ay madali ninyong matandaan.

Pagpapabatid

Kayo ay pababatiran tungkol sa mga sumusunod:

- Pagpapalaya
- Pagkamatay
- Paglipat
- Work release
- Pagtakas
- Furlough

Kapag tumawag ang WA SAVIN, pakinggan ang kanilang mensahe, tapos itala ang inyong PIN na sinundan ng pound (#) key kapag hiniling ito. Ang inyong pagtala ng PIN ay pinahihintulutang malaman ng WA SAVIN na natanggap ninyo ang kanilang mensahe at ihihinto ang pagtawag muli sa inyo.



- Tawagan kaagad ang 911 kung sa inyong palgay ay nasa panganib kayo.
- Dahil automatic na tinatawagan kayo ng WA SAVIN kapag may pagbabago sa custody status ng isang offender, kayo ay maaaring makatanggap ng tawag mula sa SAVIN sa gitna ng gabi.
- Kung hindi ninyo sasagutin ang tawag ng pagpapabatid, magbibilin ng mensahe ang WA SAVIN at patuloy nitong tatawagan kayo hanggang itala ninyo ang inyong PIN o hanggang makalipas ang 24 oras.
- Kung makalimutan ninyo kung ano ang inyong PIN, tawagan ang walang-bayad na numero at pindutin ang zero. Ililipat kayo sa isang operator na tutulong sa inyong i-reset ang inyong PIN o kanselin ang pagpapabatid. Para palitan ang inyong PIN, pumunta sa www.vinelink.com.
- Matatawagan ang mga operator 24 oras, araw-araw para tulungan kayo.
- Pwede ninyong irehistro ang higit pa sa isang numero ng telepono at email address para sa mga pagpapabatid.
- Kumpidensyal ang WA SAVIN. Hindi malalaman ng offender na kayo ay nakarehistro sa WA SAVIN.

Isulat ang sumusunod na impormasyon, gupitin itong panel at ilagay sa isang ligtas na lugar:

Pangalan ng offender

Numero ng offender

Ang inyong apat na numerong PIN

PAANO GAMITIN ANG WA SAVIN

Impormasyon

Tawagan ang 1-877-846-3492 o pumunta sa www.vinelink.com at sundin ang mga instruksyon para ma-access ang impormasyon tungkol sa custody status.

Pagpaparehistro

Kung nakakulong ang offender, kayo ay pwedeng magparehistro para makatanggap ng mga pagpapabatid.

Kung ang irerehistro ninyo ay ang inyong numero ng telepono, hihilingin sa inyo na lumikha ng isang apat na numerong personal identification number (PIN) na gagamitin para kumpirmahin na natanggap ang tawag. Siguraduhing ang PIN ay madali ninyong matandaan.

Pagpapabatid

Kayo ay pababatiran tungkol sa mga sumusunod:

- Pagpapalaya
- Pagkamatay
- Paglipat
- Work release
- Pagtakas
- Furlough

Kapag tumawag ang WA SAVIN, pakinggan ang kanilang mensahe, tapos itala ang inyong PIN na sinundan ng pound (#) key kapag hiniling ito. Ang inyong pagtala ng PIN ay pinahihintulutang malaman ng WA SAVIN na natanggap ninyo ang kanilang mensahe at ihihinto ang pagtawag muli sa inyo.



WA SAVIN
Statewide Automated Victim Information and Notification

Huwag aasa lamang sa WA SAVIN para sa inyong kaligtasan. Kung sa inyong palagay ay maaaring nasa panganib kayo, mag-ingat tulad ng parang nakalaya na ang offender.

NHỮNG DỊCH VỤ DÀNH CHO NẠN NHÂN

Liên Minh Chống Bạo Lực Trong Gia Đình Tiểu Bang
Washington
206-389-2515
206-389-2900 (Điện Thoại Cho Người Bị Lãng Tai)

Chương Trình Liên Minh Chống Bạo Hành Tỉnh Dục
Tiểu Bang Washington
800-775-8013
360-709-0305 (Điện Thoại Cho Người Bị Lãng Tai)

Đường Dây Nóng Dành Cho Nạn Nhân Của Bạo Lực
Trong Gia Đình – 24 Giờ
800-562-6025

Văn Phòng Hỗ Trợ Nạn Nhân Tội Phạm
800-822-1067

Chương Trình Giúp Đỡ Nạn Nhân
của Sở Cải Huấn
800-322-2201

Liên Minh của Những Người Hỗ Trợ Nạn Nhân Tội Phạm
346-456-3858

Chương Trình Thông Báo Cho Nạn Nhân/Nhân Chứng
của Sở Y Tế Xã Hội
800-422-1536

Gia Đình và Bạn của Nạn Nhân Tội Phạm
800-346-7555

Đường Dây Nóng Toàn Quốc Dành Cho Nạn Nhân Của
Bạo Lực Trong Gia Đình và Bị Lãng Tai – 24 Giờ
800-787-3224 (Điện Thoại Cho Người Bị Lãng Tai)

Chương Trình Bồi Thường Cho Nạn Nhân Tội Phạm
800-762-3716

Chương Trình Bảo Mật Địa Chỉ
800-822-1065

Những Bà Mẹ Chống Lái Xe Trong Lúc Say Rượu (Đường
Dây Nóng Dành Cho Nạn Nhân)
877-623-3435

www.vinelink.com

Ghi Chú:

Dự án này đã được Phòng Hỗ Trợ Tư Pháp hỗ trợ qua Trợ Cấp Số 2006VNCX0004. Phòng Hỗ Trợ Tư Pháp là một thành phần của Văn Phòng Chương Trình Tư Pháp, bao gồm Cục Thống Kê Tư Pháp, Viện Tư Pháp, Văn Phòng Tư Pháp và Phòng Ngừa Phạm Pháp Dành Cho Thanh Thiếu Niên, và Văn Phòng Dành Cho Nạn Nhân Tội Phạm. Quan điểm hoặc ý kiến trong tài liệu này là của riêng người viết và không đại diện vị trí hoặc chính sách chính thức của Bộ Tư Pháp Hoa Kỳ.

Vietnamese

Revised 08/12

WA SAVIN

Dịch Vụ Thông Tin và Thông Báo
Cho Nạn Nhân Toàn Bang
Washington



NẠN NHÂN CÓ QUYỀN ĐƯỢC BIẾT

Truy Cập Thông Tin & Thông Báo về
Tình Trạng Giam Giữ của Can Phạm

1-877-846-3492

Điện Thoại Cho Người Bị Lãng Tai 1-866-847-1298

www.vinelink.com



Một dịch vụ được cung cấp bởi:
**Hội Cảnh Sát Trưởng
Tiểu Bang Washington**

DỊCH VỤ THÔNG TIN & THÔNG BÁO TỰ ĐỘNG CHO NẠN NHÂN TOÀN BANG WASHINGTON

1-877-846-3492

www.vinelink.com

Điện Thoại Cho Người Bị Lãng Tại 1-866-847-1298

WA SAVIN là một dịch vụ tự động hầu giúp quý vị theo dõi tình trạng giam giữ của những can phạm trong tù. Bằng cách gọi số điện thoại miễn phí, hoặc lên mạng toàn cầu tại www.vinelink.com, quý vị có thể tìm được tình trạng giam giữ của một can phạm. Quý vị cũng có thể đăng ký để được thông báo bằng điện thoại và/hoặc điện thư khi tình trạng giam giữ của can phạm thay đổi.



**Xin viết xuống những chi tiết
sau đây, xé phần này ra,
và cất giữ ở một nơi an toàn.**

Tên can phạm

Số can phạm

Số mật mã gồm 4 chữ số của quý vị

Thông Tin

Gọi 1-877-846-3492, hoặc lên mạng toàn cầu tại www.vinelink.com và làm theo lời hướng dẫn để truy cập tình trạng giam giữ của can phạm.

Đăng Ký

Nếu can phạm hiện đang bị giam giữ, quý vị có thể đăng ký để nhận thông báo.

Khi đăng ký số điện thoại, quý vị sẽ được yêu cầu cung cấp một số mật mã gồm 4 chữ số. Số mật mã này sẽ được dùng để xác nhận rằng thông báo đã được chuyển đến đúng người. Xin chọn một số mật mã dễ nhớ.

Thông Báo

Quý vị sẽ được thông báo về những sự kiện sau:

- | | |
|-------------|------------------------|
| • Trả Tự Do | • Tử Tù |
| • Di Chuyển | • Được Cho Đi Làm Việc |
| • Trốn Tù | • Được Cho Nghỉ Phép |

Khi WA SAVIN gọi, xin lắng nghe thông báo, rồi bấm số mật mã của quý vị, theo sau là dấu #. Quý vị cần bấm số mật mã để WA SAVIN biết đã gọi đúng người và ngưng không gọi lại nữa.

- Nếu quý vị cảm thấy bị nguy hiểm, hãy gọi 911 ngay lập tức.
- Vì WA SAVIN tự động gọi quý vị khi tình trạng giam giữ của can phạm thay đổi, quý vị có thể sẽ nhận được điện thoại ngay giữa đêm khuya.
- Nếu quý vị không trả lời điện thoại, WA SAVIN sẽ để lại tin nhắn trên máy của quý vị và sẽ tiếp tục gọi trong suốt 24 giờ đồng hồ, hoặc cho đến khi quý vị bấm số mật mã của quý vị.
- Nếu quý vị quên số mật mã của quý vị, hãy gọi số điện thoại miễn phí và bấm số 0. Tổng đài viên sẽ giúp quý vị thiết lập lại số mật mã hoặc hủy bỏ thông báo. Muốn thay đổi số mật mã của quý vị, hãy lên mạng toàn cầu tại www.vinelink.com.
- Tổng đài viên sẵn sàng giúp quý vị 24 giờ một ngày, 7 ngày một tuần.
- Quý vị có thể đăng ký nhiều số điện thoại và địa chỉ điện thư để nhận thông báo.
- WA SAVIN được giữ bí mật. Can phạm sẽ không biết quý vị đã đăng ký với WA SAVIN.

Xử Dụng WA SAVIN

Thông Tin

Gọi 1-877-846-3492, hoặc lên mạng toàn cầu tại www.vinelink.com và làm theo lời hướng dẫn để truy cập tình trạng giam giữ của can phạm.

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|-------------|------------------------|
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| • Trốn Tù | • Được Cho Nghỉ Phép |

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Đừng chỉ dựa vào WA SAVIN cho sự an toàn của quý vị. Nếu quý vị cảm thấy bị nguy hiểm, hãy cẩn thận coi như can phạm đã được trả tự do.

Domestic Violence

Information Packet



Skagit Domestic Violence & Sexual Assault Services

24-Hour Hotline: 1-800-726-6010

Office Number: 360-336-9591 Fax Number: 360-336-9593

1521 B Leigh Way, Mount Vernon, WA 98273

www.skagitdvsas.org

All Services are Free and Confidential

Information & Referral

Safety Planning

Legal Advocacy

Medical Advocacy

Crisis Intervention

Support Groups

Emergency Shelter

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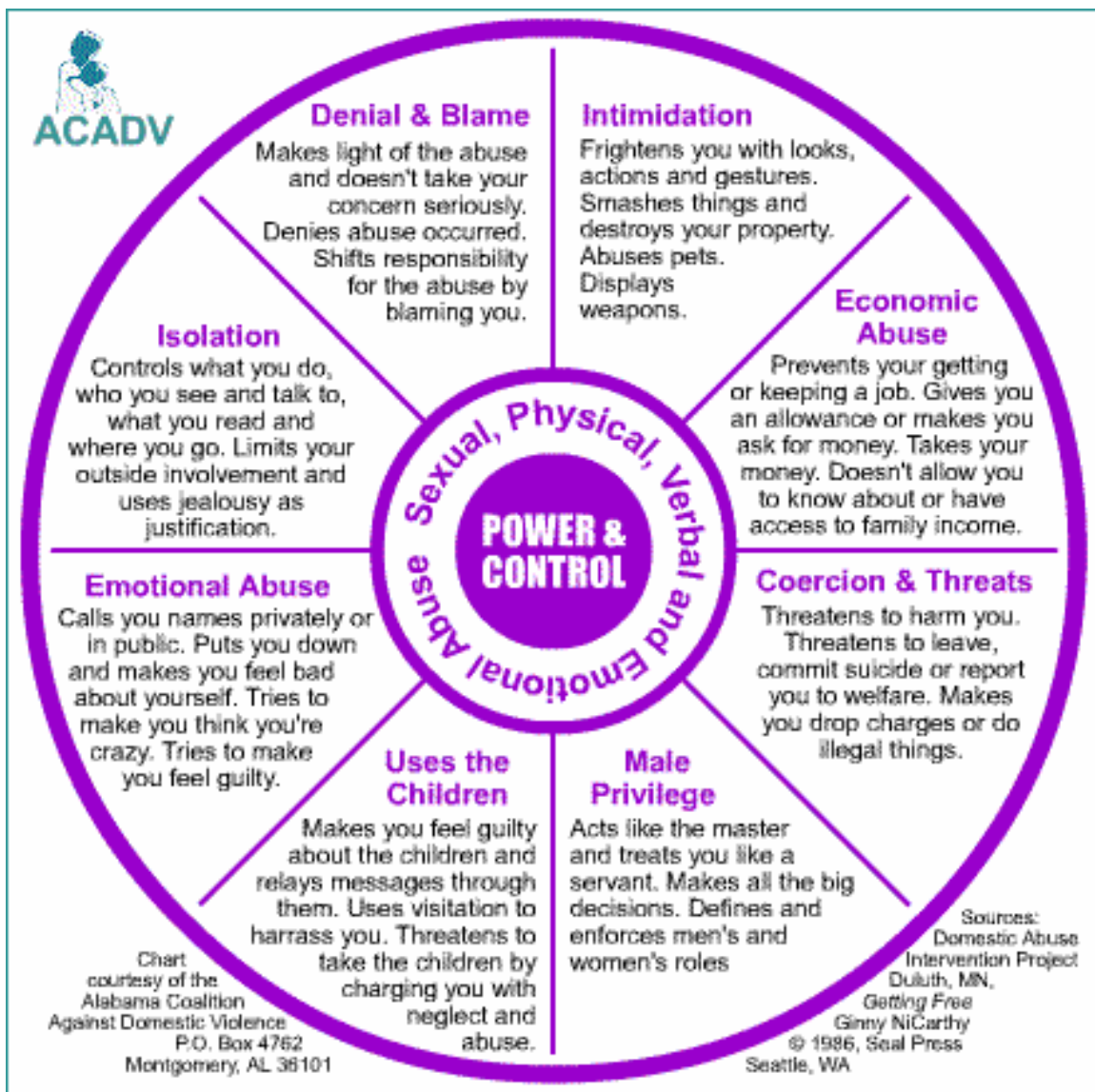
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What is Domestic Violence?

Battering is a pattern of behavior used to establish power and control over another person with whom an intimate relationship is or has been shared through fear and intimidation, often including the threat or use of violence. Battering happens when one person believes that they are entitled to control another.

The Power & Control Wheel



Tactics Used by Abusers

Jealousy:

Is your partner jealous? Does your partner accuse you of flirting? Is your partner jealous of the time you spend with others?

Controlling Behavior:

Does your partner want to make all your decisions for you? Does your partner get angry if you're late? Does your partner discourage you from going to school? Does your partner keep all the money, doling it out a little at a time?

Isolation:

Does your partner keep you away from your friends and family? Does your partner call people who support you "troublemakers"?

Quick involvement:

Did your partner come on fast, rushing you to engagement, marriage, or serious involvement? Did your partner pressure you to commit right away?

Unrealistic Expectations:

Does your partner expect you to meet all of his/her needs? Are you supposed to be the perfect lover, parent, and friend?

Blames others for his/her problems:

Does your partner blame you for mistakes he/she makes? Does your partner believe that other people are always out to get him/her?

Blames others for his/her feelings:

Does your partner blame you for "making him/her mad"? Does your partner claim that you control how he/she feels?

Hypersensitivity:

Is your partner easily insulted? Does your partner rant and rave about daily stresses?

Cruelty to Animals or Children:

Does your partner tease, slap, or beat children? Does your partner disrespect them in other ways? Does your partner brutally punish animals?

Forced Sex:

Does your partner force you into sex that you do not want?

Verbal Abuse:

Does your partner say things that are cruel and hurtful? Does your partner degrade and criticize you in front of others? Does your partner insist you can't succeed without him/her?

Rigid Sex Roles:

Does your partner believe women should serve and obey men and stay at home? Does your partner believe women are inferior to men and less intelligent? Does your partner refuse to cook, wash dishes, or take care of children?

Past Battering:

Does your partner admit that he/she has hit a partner in the past and insists that the other person made him/her do it?

Threats of Violence:

Does your partner make statements like these: "I'll kill you"; "I'll break your neck"; "I'll fix it so no one else will want you"?

Breaking or Striking Objects:

Does your partner break objects, especially ones you love? Does your partner beat on tables, strike walls, or throw objects around or near you?

Myths and Facts

Myth: Domestic violence is a "loss of control."

Fact: Violent behavior is a choice. Perpetrators use it to control their victims. Domestic violence is about batterers using their control, not losing their control. Their actions are very deliberate.

1

2

Myth: The victim is responsible for the violence because she provokes it.

Fact: No one asks to be abused. And no one deserves to be abused regardless of what they say or do.

Myth: If the victim didn't like it, she would leave.

Fact: Victims do not like the abuse. They stay in the relationship for many reasons, including fear. Most victims do eventually leave.

3

4

Myth: Domestic violence only occurs in a small percentage of relationships.

Fact: Estimates report that domestic violence occurs in 25-33% of all intimate relationships. This applies to heterosexual as well as same-sex relationships.

Myth: Middle and upper class women do not get battered as frequently as poor women.

Fact: Domestic violence occurs in all socio-economical levels. Because women with money usually have more access to resources, poorer women tend to utilize community agencies, and are therefore more visible.

5

6

Myth: Batterers are violent in all their relationships.

Fact: Batterers choose to be violent toward their partners in ways they would never consider treating other people.

Myth: Alcohol/drugs cause battering behavior.

Fact: Although many abusive partners also abuse alcohol and/or drugs, this is not the underlying cause of the battering. Many batterers use alcohol/drugs as an excuse to explain their violence.

7

8

Myth: Once a battered woman, always a battered woman.

Fact: While some battered women have been in more than one abusive relationship, women who receive domestic violence services are the least likely to enter another abusive relationship.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE

DOMESTIC VIOLENCE FACTS

WHY IT MATTERS

Domestic violence is the willful intimidation, assault, battery, sexual assault, or other abusive behavior perpetrated by an intimate partner against another.¹ It is an epidemic affecting Americans in all communities, regardless of age, economic status, race, religion, nationality or educational background. The impact of domestic violence on survivors, their children, and the community is detrimental. Stronger anti-violence laws and training for police and court personnel strengthen the criminal justice system's response to domestic violence. Community programs, shelters and education programs for youth, local businesses, and professionals protect survivors from future victimization and prevent the continuation of the cycle of violence from generation to generation.

DID YOU KNOW?

- 1 in 4 women will experience domestic violence during her lifetime.²
- In 2001, 20% of violent crime against women was intimate partner violence, compared to 3% of violent crime against men.³
- In 2001, there were 691,710 nonfatal incidents of violence committed by the current or former spouses, boyfriends, or girlfriends of the victims.⁴
- In 2001, 85% of victims of domestic violence were women.⁵
- In one study, 33% of victims of intimate partner violence stated the offender was a spouse. 14% stated the offender was a former spouse. 53% stated the offender was a current or former boyfriend or girlfriend.⁶
- From 1992 to 2000, 54% of intimate partner violence was reported to police. Only 24% of rape or sexual assault was reported.⁷
- Young women age 16-24 experience the highest rate of domestic violence - 16 per 1,000 persons.⁸

SEXUAL ASSAULT

- 1 in 5 women and 1 in 33 men have experienced an attempted or completed rape.⁹
- Marital rape accounts for 25% of all rapes, affecting over 75,000 women each year.¹⁰
- 3 in 4 women over age 18 who reported being raped were physically assaulted by a current or former husband, cohabitating partner, or date.¹¹

HOMICIDE AND INJURY

- In 2000, 1,247 women and 440 men were killed by an intimate partner.¹²
- In 1999, intimate partner homicides accounted for 32% of the murders of females and 4% of the murders of males.¹²
- In 1999, 74% - or 1,218 - of the 1,642 persons murdered by an intimate partner were female.¹⁴
- Between 1993 and 1999, 50% of domestic violence resulted in an injury to the victim. 5% of female victims sustained serious injuries, 41% sustained minor injuries, and 4% were raped or sexually assaulted.¹⁵
- In 1994, 37% of women seeking injury-related treatment in hospital emergency rooms were injured by a current or former spouse or intimate partner.¹⁶

ECONOMIC IMPACT

- The costs of intimate partner violence annually exceeds \$5.8 billion, including \$4.1 billion in direct health care expenses, \$900 million in lost productivity, and \$900 million in lifetime earnings.¹⁷
- When the costs of direct property loss, ambulance services, police response, pain and suffering and the criminal justice process are considered, the total annual cost of intimate partner violence grows to \$67 billion.¹⁸
- Domestic violence has been estimated to cost employers in the United States \$3-13 billion each year.¹⁹

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE



The Public Policy Office of the National Coalition Against Domestic Violence (NCADV) is a national leader in the effort to create and influence Federal legislation that positively affects the lives of domestic violence victims and children. We work closely with advocates at the local, state and national level to identify the issues facing domestic violence victims, their children and the people who serve them and to develop a legislative agenda to address these issues. NCADV welcomes you to join us in our effort to end domestic violence.

The Cycle Theory of Battering

Dr. Lenore Walker

Phase 1: The Tension Building Phase

- woman can sense man becoming edgy and more prone to react negatively to frustration.
- in response, woman may become more nurturing, compliant, or may stay out of his way.
- she does not permit herself to become angry with him reasoning that she may deserve the abuse.
- with each minor battering a residual tension accumulates.
- he becomes more fearful she may leave him (reinforced by her withdrawal) and so becomes more possessive, brutal and threatening in order to keep her.
- the more she moves away from him, the more he moves oppressively toward her.

Phase 2: The Acute Battering Incident

- sometimes the woman may provoke it just to get it over with, to release the tension, and to maintain some sense of control and get to the third phase of loving and calm.
- man fully accepts that his rage is out of control.
- he starts with a justification but ends not understanding what has happened.
- some women will fight back only during this phase because they've been damming up their anger during phase one and only feel safe letting it out now (with nothing to lose).

Phase 3: Loving Kind And Contrite Behavior

- he fears she will leave, so he does everything and promises everything to prevent it.
- his reasons may persuade her that he really can change.
- this phase is the "coming true" of all the good things that romantic love is supposed to provide.
- helping agents enter at this point, when it is most difficult for the woman to see objectively.
- the glider of realization that she is selling herself for a temporary dream state adds to her self-hatred.

Verbal & Emotional Abuse

How many of these things has your partner done to you?

- Ignored your feelings?
- Ridiculed or insulted women as a group.
- Ridiculed or insulted your most valued beliefs, your religion, race, heritage, or class.
- Withheld appreciation, or affection as punishment.
- Continually criticized you, called you names, shouted.
- Humiliated you in public or private.
- Kept you from working, controlled your money, made all the decisions.
- Refused to work or share money.
- Took you car keys away from you
- Regularly threatened to leave you or told you to leave.
- Threatened to hurt you or your family
- Abused, tortured, killed, or threatened pets to hurt you.
- Harassed you about affairs your partner imagined you were having.
- Manipulated you with lies and contradictions.
- Destroyed furniture, punched holes in walls, broken appliances.
- Wielded a gun in a threatening way.

Signs that you have been abused Ask yourself the following questions:

- Do you doubt your judgment or wonder if you are "crazy"?
- Have you developed fears of other people and tend to see others less often?
- Do you spend a lot of time watching for your partner's bad and not-so-bad moods, before bringing up a subject?
- Are you afraid of your partner and do you express your opinions less?
- Do you ask your partner's permission to spend money, take classes, or socialize with friends?
- Have you lost confidence in your abilities, become increasingly depressed, or feel trapped and powerless?

One way to begin to help yourself is to change the messages you give yourself. You DO have the right to a life free of verbal, emotional, and physical abuse. It is easy to get into the habit of coaching yourself for failure, but that can be changes. Begin to modify the things you say to yourself about yourself.

Grief and Loss

A Normal Life Process: At some point in our lives, each of us faces the loss of someone or something dear to us. The grief that follows such a loss can seem unbearable, but grief is actually a healing process. Grief is the emotional suffering we feel after a loss of some kind. The death of a loved one, loss of a limb, even intense disappointment can cause grief. Dr. Elisabeth Kubler-Ross has named five stages of grief people go through following a serious loss. Sometimes people get stuck in one of the first four stages. Their lives can be painful until they move to the fifth stage - acceptance.

Five Stages of Grief

1. **Denial and Isolation:** At first, we tend to deny the loss has taken place, and may withdraw from our usual social contacts. This stage may last a few moments, or longer.
2. **Anger:** The grieving person may then be furious at the person who inflicted the hurt (even if she's dead), or at the world, for letting it happen. He may be angry with himself for letting the event take place, even if, realistically, nothing could have stopped it.
3. **Bargaining:** Now the grieving person may make bargains with God, asking, "If I do this, will you take away the loss?"
4. **Depression:** The person feels numb, although anger and sadness may remain underneath.
5. **Acceptance:** This is when the anger, sadness and mourning have tapered off. The person simply accepts the reality of the loss.

Grief and Stress: During grief, it is common to have many conflicting feelings. Sorrow, anger, loneliness, sadness, shame, anxiety, and guilt often accompany serious losses. Having so many strong feelings can be very stressful.

Yet denying the feelings, and failing to work through the five stages of grief, is harder on the body and mind than going through them. When people suggest "looking on the bright side," or other ways of cutting off difficult feelings, the grieving person may feel pressured to hide or deny these emotions. Then it will take longer for healing to take place.

Recovering From Grief: Grieving and its stresses pass more quickly, with good self-care habits. It helps to have a close circle of family or friends. It also helps to eat a balanced diet, drink enough non-alcoholic fluids, get exercise and rest.

Most people are unprepared for grief, since so often, tragedy strikes suddenly, without warning. If good self-care habits are always practiced, it helps the person to deal with the pain and shock of loss until acceptance is reached.

Expressing Anger in Healthy Way

1. **Feel it / Notice it**
2. **Diffuse it** (releasing angry energy in a responsible way, without hurting yourself or anyone else)
 - This could include going on a walk or run, pounding some pillows, screaming in your car, etc
3. **Process it** (what are you angry about?)
 - Try to be clear about what made you angry. Try to identify the specific incident that made you angry and stay focused on this incident.
4. **Express it** (verbal or written)
 - Use "I" messages and talk about how you feel.

YOU CAN ASK YOURSELF:

- **"Has somebody stepped on my boundary?"**
Sometimes we get angry because someone stepped on a boundary.
- **"What was I afraid of?"**
Sometimes when we are afraid, our reaction is anger.
- **"Is this about what happened then (around when you were assaulted), or is this about something I'm afraid will happen now that was like what happened then?"**
- **"What am I feeling in addition to anger?"**
Feeling angry can also come from not getting our needs met. Maybe we let our needs be known and someone did not respect this, or maybe we did not let our needs be known, or even recognize that we had that need until now.

If someone else was involved, tell them what you need (specifically talking about what need was involved in this particular situation that just made you angry), and what they could do in the future to avoid interfering with you getting your needs met.

Sometimes we can react to a situation based on our past experience, even if we are in a very different situation now. Asking yourself this question can help you determine where your feelings are coming from, the past or present, or both.

WHAT IS STALKING?

While legal definitions of stalking vary from one jurisdiction to another, a good working definition of stalking is
a course of conduct directed at a specific person that would cause a reasonable person to feel fear.

STALKING IN AMERICA

- 1,006,970 women and 370,990 men are stalked annually in the United States.
- 1 in 12 women and 1 in 45 men will be stalked in their lifetime.
- 77% of female and 64% of male victims know their stalker.
- 87% of stalkers are men.
- 59% of female victims and 30% of male victims are stalked by an intimate partner.
- 81% of women stalked by a current or former intimate partner are also physically assaulted by that partner.
- 31% of women stalked by a current or former intimate partner are also sexually assaulted by that partner.
- The average duration of stalking is 1.8 years.
- If stalking involves intimate partners, the average duration of stalking increases to 2.2 years.
- 61% of stalkers made unwanted phone calls; 33% sent or left unwanted letters or items; 29% vandalized property; and 9% killed or threatened to kill a family pet.
- 28% of female victims and 10% of male victims obtained a protective order. 69% of female victims and 81% of male victims had the protection order violated.

Tjaden & Thoennes. (1998). "Stalking in America," NIJ.

STATE LAWS*

- Stalking is a crime under the laws of all 50 states, the District of Columbia, and the Federal Government.
- 13 states classify stalking as a felony upon the first offense.*
- 35 states classify stalking as a felony upon the second offense and/or when the crime involves aggravating factors.*
- Aggravating factors may include: possession of a deadly weapon; violation of a court order or condition of probation/parole; victim under 16; same victim as prior occasions.

* For a complete list of state, tribal and Federal laws visit: www.ncvc.org/src

* Last updated June 2004

THE STALKING RESOURCE CENTER

The Stalking Resource Center is a program of the National Center for Victims of Crime. Our dual mission is to raise national awareness of stalking and to encourage the development and implementation of multidisciplinary responses to stalking in local communities across the country. We can provide you with:

- Training
- Technical Assistance
- Protocol Development
- Resources
- Help in collaborating with other agencies and systems in your community

Contact us at: 202-467-8700 or src@ncvc.org.

TYPOLOGIES OF STALKERS*

- Simple obsessional stalkers are the most common type. They have some prior relationship with the victim, usually an intimate one. These cases most often occur in the context of domestic violence.
- Love obsessional stalkers have had no existing relationship with the victim. Many of these stalkers target celebrities.
- Erotomaniac stalkers delusionally believe that they are loved by the victim. This is the rarest category of stalkers.

* Individual perpetrators may not precisely fit any single stalker category, and often exhibit characteristics associated with more than one category; it is important to remember that these typologies are merely guides.
Melow. (1998). "The Psychology of Stalking," AP.

STALKING ON CAMPUS

- 13% of college women were stalked during one six to nine month period.
- 80% of campus stalking victims knew their stalkers.
- 3 in 10 college women reported being injured emotionally or psychologically from being stalked.

Fisher, Cullen, and Turner. (2000). "The Sexual Victimization of College Women," NIJ/BJS.

IMPACT OF STALKING ON VICTIMS

- 56% of women stalked took some type of self-protective measure; often as drastic as relocating (11%). (Tjaden & Thoennes. (1998). "Stalking in America," NIJ)
- 26% of stalking victims lost time from work as a result of their victimization, and 7% never returned to work. (Tjaden & Thoennes.)
- 30% of female victims and 20% of male victims sought psychological counseling. (Tjaden & Thoennes.)
- The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than the general population, especially if the stalking involves being followed or having one's property destroyed. (Blaauw et al. (2002). "The Toll of Stalking," J. Interpersonal Viol.)

STALKING & INTIMATE PARTNER FEMICIDE*

- 76% of femicide victims had been stalked by the person who killed them.
- 67% had been physically abused by their intimate partner.
- 89% of femicide victims who had been physically abused had also been stalked in the 12 months before the murder.
- 79% of abused femicide victims reported stalking during the same period that they reported abuse.
- 85% of attempted femicide cases involved at least one episode of stalking within 12 months prior to the attempted femicide.
- 54% of femicide victims reported stalking to police before they were killed by their stalkers.

* The murder of a woman
McFarlane et al. (1999). "Stalking and Intimate Partner Femicide," Homicide Studies.

STALKING INCIDENT LOG[illegible]

Domestic Violence in Same-Sex Relationships: Myths and Facts

Myth: Only straight women get battered; gay, bisexual, and transgendered men are never victims of domestic violence; lesbians, bisexual, and transgender women cannot batter. Battering is less common in same-gender relationships.

1

Fact: Men can be victims, and women can batter. Numbers reflect this: An annual study of over 2,000 gay men reflects that 1 in 4 gay men have experienced domestic violence. These numbers are consistent with research done around battering among opposite-sex couples, and lesbian couples. Stereotypes about gender and sexual orientation are repudiated by the fact that gay men are victims, and lesbians are batterers at roughly the same rate as heterosexuals are.

Myth: Same-gender domestic violence is sexual behavior, a version of sadomasochism (S & M). The victim actually likes it.

2

Fact: In consensual S & M, any violence, coercion, or domination occurs within the context of a mutually pleasurable 'scene,' within which there is trust and/or an agreement between parties about the limits and boundaries of behavior. In contrast, domestic violence takes place without any mutual trust or agreement, and is not consensual or pleasurable for the victim. A batterer's violent and coercive behaviors do not just affect the sexual relationship, but pervade other aspects of the relationship as well. This is not to say abuse cannot take place within S & M relationships. A batterer may actually coerce consent to violent or dominating sexual behavior, or violate agreed upon boundaries.

Myth: It is easier for lesbian, gay, bisexual, or transgender victims of domestic violence to leave an abusive relationship than it is for heterosexual battered women who are married.

3

Fact: This myth is perpetuated by cultural homophobia which invalidates LGBT relationships as trite, false, sick, or 'just a phase.' Same-gender couples are as intertwined and involved in each other's lives as are heterosexual couples. The false assumption that LGBT people do not have children also effects the stereotype that it is easier for LGBT people to leave. Many same-gender families do have children, and many heterosexual women do not.

Myth: It is not really violence when two men fight; it is normal; it is just boys being boys.

4

Fact: This is not true. The commonly held belief that it is acceptable and normal for men to be violent is false. There is nothing normal about domestic violence. This is much more than "boys being boys." It is abuse. Unfortunately, with few positive relationship role models available, many same-gender couples view and accept violence by their partners as normal.

Adapted from material in Men Who Beat The Men Who Love Them, by David Island and Patrick Letellier, material from the Violence Recovery Program at FCHC, and Wingspan Domestic Violence Project.

Intimate Partner Sexual Assault

Sexual assault in marriage is an extremely prevalent form of sexual violence, particularly when we consider that women who are involved in physically abusive relationships may be especially vulnerable to sexual assaults by their intimate partners. The effects of sexual assault in intimate relationships are traumatic and severe. It remains a “hidden crime” with many survivors not identifying forced or coerced sex as sexual assault. In 1993, marital rape became a crime in all 50 states, in at least one section of the sexual offense codes. (Bergen, R. Marital Rape. VAWnet. www.vawnet.org. 1999.)

1. Many women are sexually assaulted by their husbands or boyfriends.

- In the National Violence Against Women Survey, **7.7% of U.S. women reported that they had been raped by an intimate partner in their lifetime.** (Extent, Nature, and Consequences of Intimate Partner Violence. U.S. Department of Justice, National Institute of Justice. July 2000.)
- Violence against women is primarily partner violence: **76% of the women who were raped and/or physically assaulted since age 18 were assaulted by a current or former husband, cohabitating partner, or date.** (Prevalence, Incidence, and Consequences of Violence Against Women. U.S. Department of Justice, Office of Justice Programs. November 1998.)

2. Women who have been battered by an intimate partner reported being sexually assaulted as part of the abuse.

- In one study, **45.9% of the battered women who reported abuse also reported being forced into sex by their intimate partners.** (Campbell, J. and Soeken, K. (1999). Forced Sex and Intimate Partner Violence: Effects on Women’s Risk and Women’s Health. Violence Against Women, 5, 1017-1035.)

3. Survivors of intimate partner sexual assault often experience multiple sexual assaults.

- In one study, over half of marital rape survivors surveyed experienced more than one sexual assault in a 6-month reference period before the survey. (Mahoney, P. (1999). High Rape Chronicity and Low Rates of Help-Seeking Among Wife Rape Survivors in a Nonclinical Sample. Violence Against Women, 5, 993-1016.)
- **Approximately half (51.2%) of the women raped by an intimate partner said they were victimized multiple times by that same partner. Overall, female rape victims averaged 4.5 rapes by the same partner.** (Extent, Nature, and Consequences of Intimate Partner Violence. U.S. Department of Justice, National Institute of Justice. July 2000.)

4. Victims of intimate partner sexual assault are more likely to be injured or seriously assaulted.

- **Compared to other sexual assault victims, marital rape victims are more likely to be injured or seriously assaulted,** but less likely to seek medical help. (Mahoney, P. High Rape Chronicity and Low Rates of Help-Seeking among Wife Rape Survivors in a Non-clinical Sample. Violence Against Women, 5, 993-1016. 1999.)
- According to the U.S. Department of Justice, women who were raped since age 18 were nearly twice as likely as their male counterparts to report an injury other than the rape itself. (Prevalence, Incidence, and Consequences of Violence Against Women. U.S. Department of Justice, Office of Justice Programs. November 1998.)

5. Women who are raped by intimate partners experience the same reactions as other rape survivors.

- **Research indicates that women who are raped by their husbands are just as likely to experience a variety of psychological reactions as women who are raped by strangers or acquaintances.** (Monson, C., Byrd, G. & Langhinrichsen-Rohling, J. To Have and to Hold: Perceptions of Marital Rape. Journal of Interpersonal Violence, 11, 410-424. 1996.)

6. Sexual assault occurs in same-sex intimate relationships.

- **In a study of 162 gay men and 111 lesbians, 52% reported at least one incident of sexual coercion by same-sex partners.** Lesbians experienced 1.2 incidents per person while gay men experienced 1.6 incidents per person. (Waldner-Haugrud, Lisa and Vaden Gratch, Linda. “Sexual Coercion in Gay/Lesbian Relationships: Descriptives and Gender Differences.” Violence and Victims. 12(1), 1997.)
- Although sexual assault is perhaps the most understudied topic of same-sex violence, clinical work and advocacy efforts show that lesbians and gay men endure the same types of abuse that heterosexual women suffer, including sexual assault. (Elliott, P. Shattering Illusions: Same-Sex Domestic Violence. In C. Renzetti & C. Miley (Eds.) Violence in Gay and Lesbian Domestic Partnerships. New York: The Haworth Press, Inc. 1996.)

Effects of Intimate Partner Sexual Assault

From: The National Center for Injury Prevention and Control

A national survey found that 10% of women were victims of rape or attempted rape by a husband or intimate partner in their lifetime (Basile 2002).

Of people who report sexual violence, 64% of women and 16% of men were raped, physically assaulted, or stalked by an intimate partner. This includes a current or former spouse, cohabitating partner, boyfriend/girlfriend, or date (Tjaden and Thoennes 2000).

Sexual violence can have very harmful and lasting consequences for victims, families, and communities. The following list describes just some of them.

Physical

- Women who experience both sexual and physical abuse are significantly more likely to have sexually transmitted diseases (Wingood et al. 2000).
- Over 32,000 pregnancies result from rape every year (Holmes et al. 1996)
- There are long-term consequences such as:
 - Chronic pelvic pain, Premenstrual syndrome, Gastrointestinal disorders, Gynecological and pregnancy complications, Migraines and other frequent headaches, Back pain, Facial pain, Disability preventing work (Jewkes, Sen, and Garcia-Moreno 2002)

Health Behaviors

Some researchers view the following health behaviors as both consequences of sexual violence and factors that increase a person's vulnerability to being victimized again in the future (Brener et al. 1999; Lang et al. 2003).

- Engaging in high-risk sexual behavior including:
 - Unprotected sex, Early sexual initiation, Choosing unhealthy sexual partners, Having multiple sex partners, Trading sex for food, money, or other items
- Using or abusing harmful substances, including:
 - Smoking cigarettes, Drinking alcohol, Driving after drinking alcohol, Taking drugs (Champion et al. 2004; Jewkes, Sen, and Garcia-Moreno 2002; Raj, Silverman, and Amaro 2000)

Psychological

Victims of sexual violence face both immediate and long-term psychological consequences (Ackard and Neumark-Sztainer 2002; Faravelli et al. 2004; Felitti et al. 1998; Krakow et al. 2002; Ystgaard et al. 2004).

Immediate psychological consequences include:

- | | |
|---|----------------------|
| • Fear | • Confusion |
| • Nervousness | • Anxiety |
| • Symptoms of Post-traumatic stress disorder: | • Shock |
| ◦ Emotional detachment, | • Withdrawal |
| Sleep disturbances, | • Guilt |
| Flashbacks, Mental | • Denial |
| replay of assault | • Distrust of others |

Mental chronic psychological consequences include:

- Depression
- Attempted or completed suicide
- Alienation
- Post-traumatic stress disorder
- Unhealthy diet-related behaviors:
 - Fasting, Vomiting, Abusing diet pills, Overeating

Social

- Strained relationships with the victim's family, friends, and intimate partners
- Less emotional support from friends and family
- Less frequent contact with friends and relatives
- Lower likelihood of marriage (Clements et al. 2004; Golding, Wilsnack, and Cooper 2002)

Children & Domestic Violence

Women who are battered often go to extreme and courageous lengths to protect their children from an abusive partner. In fact, research has shown that the non-abusing parent is often the strongest protective factor in the lives of children who are exposed to domestic violence. However, growing up in a violent home may be a terrifying and traumatic experience that can affect every aspect of a child's life, growth, and development. In spite of this, we know that when properly identified and addressed, the effects of domestic violence on children can be mitigated.

- The U.S. Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country.
- In a national survey of more than 6,000 American families, 50 percent of the men who frequently assaulted their wives also frequently abused their children.
- Slightly more than half of female victims of intimate violence live in households with children under age 12.
- Men who as children were exposed to their parents' domestic violence are twice as likely to abuse their own wives than sons of nonviolent parents.
- One study of 2,245 children and teenagers found that recent exposure to violence in the home was a significant factor in predicting a child's violent behavior.
- Children who are exposed to domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.
- A recent study of low-income pre-school children in Michigan found that nearly half (46.7 percent) of the children in the study had been exposed to at least one incident of mild or severe violence in the family. Children who had been exposed to violence suffered symptoms of post-traumatic stress disorder, such as bed-wetting or nightmares, and were at greater risk than their peers of having allergies, asthma, gastrointestinal problems, and headaches.

Pregnancy and Domestic Violence

- Each year about 324,000 pregnant women in the U.S. are battered by the men in their lives.
- Complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding are significantly higher for abused women ^{xi, xii}, as are maternal rates of depression, suicide attempts, tobacco, alcohol, and illicit drug use.

The Effects of Domestic Violence on Children

Child abuse and domestic violence are linked in a number of important ways that have serious consequences for the safety of children. But with effective intervention and a coordinated response to child abuse and domestic violence, battered women advocates, child protective workers, judges and community members can help keep families safer.

- ***Children can be injured as a direct result of domestic violence.*** Batterers sometimes intentionally injure children in an effort to intimidate and control their adult partners. These assaults can include physical, emotional, and sexual abuse of the children. Children are also injured - either intentionally or accidentally - during attacks on their mothers. Assaults on younger children may occur while the mother is holding the child. Injuries to older children often occur when an adolescent attempts to intervene in violent episodes.
- ***Children can be adversely affected by witnessing domestic violence.*** Although many parents believe that they can hide domestic violence from their children, children living in these homes report differently. Research suggests that between 80 and 90 percent of these children are aware of the violence. Even if they do not see a beating, they hear the screams and see the bruises, broken bones, and abrasions sustained by their mothers.
- ***Infants exposed to violence may not develop the attachments to their caretakers that are critical to their development; in extreme cases they may suffer from “failure to thrive.”*** Preschool children in violent homes may regress developmentally and suffer sleep disturbances, including nightmares. School-age children who witness violence may exhibit a range of problem behaviors including depression, anxiety, and violence towards peers. Adolescents who have grown up in violent homes are at risk for recreating the abusive relationships they have seen.
- ***While many children experience difficulties resulting from their exposure to violence, many children appear to cope with the experiences and show no fewer problems than comparison children.*** This is likely because the level of violence in families and children’s exposure to it vary greatly.
- ***A growing body of evidence supports the need for early intervention when children show criminal propensities.*** Research shows that early intervention efforts are proving effective in reducing criminal and delinquent behavior. The social factors that these early intervention efforts address are similar to those found to be associated with domestic violence and child abuse, and the contribution of family violence to later youth violence is well documented.

Facts About Alcohol Abuse and Domestic Violence

- **Battering is a socially learned behavior and is not the result of substance abuse or mental illness.** Men who batter frequently use alcohol abuse as an excuse for their violence. They attempt to rid themselves of responsibility for the problem by blaming it on the effects of alcohol.
- Many men who batter do not drink heavily and many alcoholics do not beat their wives. Walker's 1984 study of four hundred battered women found that **67% of batterers frequently abused alcohol**; however, only one fifth had abused alcohol during all four battering incidents on which data was collected. The study also revealed a high rate of alcohol abuse among non-batterers.
- In one batterers program, eighty percent of the men had abused alcohol at the time of the latest battering incident. The **vast majority of men, however, also reportedly battered their partner when not under the influence of alcohol.**
- Data on the concurrence of domestic violence and alcohol abuse vary widely, from as low as 25% to as high as 80% of cases.
- Alcoholism and battering do share some similar characteristics, including: both may be passed from generation to generation—both involve denial or minimization of the problem—both involve isolation of the family.
- **A battering incident that is coupled with alcohol abuse may be more severe and result in greater injury.**
- **Alcoholism treatment does not “cure” battering behavior,** both problems must be addressed separately. However, provisions for the women's safety must take precedence.
- A small percent (one to fourteen percent) of battered women have alcohol abuse problems which is not more than found in the general female population. **A woman's substance problems do not relate to the cause of her abuse, although some women may turn to alcohol and other drugs in response to the abuse.** To become independent and live free from violence women should receive assistance for substance abuse problems in addition to other supportive services.
- Men living with women who have alcohol problems often try to justify their violence as a way to control them when they're drunk. **A woman's failure to remain substance free is never an excuse for the abuser's violence.**

Domestic Violence Protection Orders

Contact Skagit Domestic Violence & Sexual Assault Services for assistance filling out and filing a Protection Order or to ask questions (360) 336-9591.

What is a Protection Order and how does it work?

A Protection Order is a civil court order that you, the petitioner, request from the court to protect you from your abuser, the respondent. The Protection Order can order an abuser/respondent to stop harming you, stop having contact with you, stop contacting you at your work or school, or at your children's school or daycare.

Specifically, the Protection Order can:

- Order the respondent to stop doing violent acts.
- Order the respondent not to come to your home.
- Order the respondent to stop contacting you, or harassing you on the street, by mail, on the phone, at school or at work.
- Say who your children can live with for now and when the respondent can visit them.
- Order the respondent to get treatment or counseling (this typically happens as a condition of visitation with your children).

The Protection Order *cannot*:

- Order anyone to pay child support or maintenance.
- Give property or belongings to anyone.
- Say where your children should live permanently, or who can live in your home.

Do you have to be married, dating, or have children together?

No. The Protection Order covers a range of different relationships, including:

- Husband, wife or partner (present or past).
- Father or mother of your children.
- Adults related by blood or marriage.
- Adults who live together now, or used to live together.
- People 16 years and older who are, or were, dating.
- Parents and children, including in-laws and stepfamilies.

Where do I get a protection order?

You can request a temporary Protection Order at your nearest court (Superior Court, District Court or Municipal Court). The temporary Order lasts two weeks. After that, you will return to court and appear before a judge who decides whether or not the court can grant a full Protection Order that lasts for a year or longer.

Safety Planning

From the American Bar Association

IN AN EMERGENCY

If you are at home & you are being threatened or attacked:

- Stay away from the kitchen (the abuser can find weapons, like knives, there)
- Stay away from bathrooms, closets or small spaces where the abuser can trap you
- Get to a room with a door or window to escape
- Get to a room with a phone to call for help; lock the abuser outside if you can
- Call 911 (or your local emergency number) right away for help; get the dispatcher's name
- Think about a neighbor or friend you can run to for help
- If a police officer comes, tell him/her what happened; get his/her name & badge number
- Get medical help if you are hurt
- Take pictures of bruises or injuries
- Call a domestic violence program or shelter (some are listed here); ask them to help you make a safety plan

HOW TO PROTECT YOURSELF AT HOME

- Learn where to get help; memorize emergency phone numbers
- Keep a phone in a room you can lock from the inside; if you can, get a cellular phone that you keep with you at all times
- If the abuser has moved out, change the locks on your door; get locks on the windows
- Plan an escape route out of your home; teach it to your children
- Think about where you would go if you need to escape
- Ask your neighbors to call the police if they see the abuser at your house; make a signal for them to call the police, for example, if the phone rings twice, a shade is pulled down or a light is on
- Pack a bag with important things you'd need if you had to leave quickly; put it in a safe place, or give it to a friend or relative you trust
- Include cash, car keys & important information such as: court papers, passport or birth certificates, medical records & medicines, immigration papers
- Get an unlisted phone number
- Block caller ID
- Use an answering machine; screen the calls
- Take a good self-defense course

HOW TO MAKE YOUR CHILDREN SAFER

- Teach them not to get in the middle of a fight, even if they want to help
- Teach them how to get to safety, to call 911, to give your address & phone number to the police
- Teach them who to call for help
- Tell them to stay out of the kitchen

- Give the principal at school or the daycare center a copy of your court order; tell them not to release your children to anyone without talking to you first; use a password so they can be sure it is you on the phone; give them a photo of the abuser
- Make sure the children know who to tell at school if they see the abuser
- Make sure that the school knows not to give your address or phone number to ANYONE

HOW TO PROTECT YOURSELF OUTSIDE THE HOME

- Change your regular travel habits
- Try to get rides with different people
- Shop and bank in a different place
- Cancel any bank accounts or credit cards you shared; open new accounts at a different bank
- Keep your court order and emergency numbers with you at all times
- Keep a cell phone & program it to 911 (or other emergency number)

HOW TO MAKE YOURSELF SAFER AT WORK

- Keep a copy of your court order at work
- Give a picture of the abuser to security and friends at work
- Tell your supervisors - see if they can make it harder for the abuser to find you
- Don't go to lunch alone
- Ask a security guard to walk you to your car or to the bus
- If the abuser calls you at work, save voice mail and save e-mail
- Your employer may be able to help you find community resources

USING THE LAW TO HELP YOU

Protection or Restraining Orders

- Ask your local domestic violence program who can help you get a civil protection order and who can help you with criminal prosecution
- Ask for help in finding a lawyer

In most places, the judge can:

- Order the abuser to stay away from you or your children
- Order the abuser to leave your home
- Give you temporary custody of your children & order the abuser to pay you temporary child support
- Order the police to come to your home while the abuser picks up personal belongings
- Give you possession of the car, furniture and other belongings
- Order the abuser to go to a batterers intervention program
- Order the abuser not to call you at work
- Order the abuser to give guns to the police

Personalized Safety Plan

This information was generalized from a plan found at Metro Nashville Police Department. Below is a seven step safety plan. Please take the time to print this and fill it out with a friend, family member or a woman in need. Even if you feel you will never need this information...

Step 1. Safety during violence.

I can use the following options:

- a. If I decide to leave, I will _____.
- b. I can keep a bag ready and put it _____ so I can leave quickly.
- c. I can tell _____ about the violence and have them call the police when violence erupts. Phone number _____.
- d. I can teach my children to use the telephone to call the police and the fire department.
- e. I will use this word as code _____ for my children, friends, or family to call for help.
- f. If I have to leave my home, I will go to _____.
(Be prepared even if you think you will never have to leave.)
- g. I can teach these strategies to my children to stay safe _____.
- h. When an argument erupts, I will move to a safer room such as _____.
- i. I will use my instincts, intuition, and judgment. I will protect myself and my children until we are out of danger.

Step 2. Safety when getting ready to leave.

I can use the following strategies:

- a. I will leave money and an extra set of keys with _____.
- b. I will keep important documents and keys at _____.
- c. I will open a savings account by this date _____ to increase my independence.
- d. Other things I can do to increase my independence are: _____.
- e. The domestic violence **hotline & shelter number is 1-800-726-6010.**
- f. I will keep change for phone calls with me at **ALL** times. I know that if I use a telephone credit card, that the following month the telephone bill will tell the batterer who I called after I left. I will keep this information confidential by using a prepaid phone card, using a friend's telephone card, calling collect, or using change.
- g. I will check with _____ and _____ to know who will let me stay with them or who will lend me money.
- h. I can leave extra clothes with _____.
- i. I will review my safety plan every _____ (time frame) in order to plan the safest route. I will review the plan with _____ (a friend, counselor or advocate.)
- j. I will rehearse the escape plan and practice it with my children.

Step 3. Safety At Home After I Leave

I can use the following safety methods:

- a.** I can change the locks on my doors and windows as soon as possible.
- b.** I can replace wooden doors with steel doors.
- c.** I can install security systems- i.e. additional locks, window bars, poles to wedge against doors, electronic sensors, etc.
- d.** I can purchase rope ladders to be used for escape routes from the second floor.
- e.** I can install smoke detectors and buy fire extinguishers for each floor of my home.
- f.** I can install an outside lighting system that lights up when someone approaches my home.
- g.** I will teach my children how to use the phone to make collect calls to me and to _____ (friend, family, minister) if my partner tried to take them.
- h.** I will tell the people who care for my children, who has permission to pick up my children. My partner is NOT allowed to. Inform the following people:
School _____
Day Care _____
Babysitter _____
Sunday School _____
Teacher _____
And _____
Others _____
- i.** I can tell my the following people that my partner no longer lives with me and that they should call the police if he is near my residence:
Neighbors _____
Church Leaders _____
Friends _____
Others _____

Step 4. Order of Protection

The following steps will help enforce the order of protection:

- a.** I will keep a copy of the protection order at _____ (the location). Always keep one copy with you.
- b.** I will give my protection order to police departments in the areas that I visit my friends, family, where I live, and where I work.
- c.** If I visit other counties, I will register my protection order with those counties.
- d.** I can call the local domestic violence agency if I am not sure how to register my protection order with the police departments.
- e.** I will tell my employer, my church leader, my friends, my family and others that I have a protection order.
- f.** If my protection order gets destroyed, I know I can go to the County Courthouse and get another copy.
- g.** If my partner violates the protection order, I will call the police and report it. I will call my lawyer, my advocate, counselor, and/ or tell the courts about the violation.
- h.** If the police do not help, I will call my advocate or my attorney AND I will file a complaint with the Chief of the Police Department.
- i.** I can file a private criminal complaint with the district judge in the jurisdiction that the violation took place or with the District Attorney. A domestic violence advocate will help me do this.

Step 5. Job and Public Safety

I can do the following:

a. I can tell my boss, security, and _____
_____ at work about this situation.

b. I can ask _____ to help
screen my phone calls.

c. When leaving work I can do the following:

d. When I am driving home from work and
problems arise, I can _____

e. If I use public transportation, I can _____

f. I will shop at different grocery stores and
shopping malls at different hours than I did when
I was with my partner.

g. I will use a different bank and bank at different
hours than I did when I was with my partner.

h. I can also do the following: _____

Step 6. Drug and Alcohol Use.

I can enhance my safety if I do the following:

a. If I am going to use, I am going to do it in a safe
place with people who understand the risk of
violence and who are committed to my safety.

b. I can also _____

c. If my partner is using, I can _____

d. I can also _____

e. To protect my children, I can _____

Step 7. Emotional Health

I can do the following:

a. If I feel depressed and ready to return to a
potentially violent situation/ partner, I can _____

and I can call _____

b. When I have to talk to my partner in person or
on the phone, I can _____

c. I will use "I can..." statements and I will be
assertive with people.

d. I can tell myself " _____

_____ " when I feel people are trying
to control or abuse me.

e. I can call the following people and/ or places
for support: _____

f. Things I can do to make me feel stronger are:

Community Resources

Police

Countywide Emergency	911
Anacortes PD	293-4684
Burlington PD	755-0261
Concrete PD	853-8331
La Conner PD	466-3134
Mount Vernon PD	336-6271
Sedro Woolley PD	855-0111
Skagit Co. Sheriff	336-9450
WA State Patrol	757-8907

Education

American Red Cross	360-733-3290
Anacortes Red Cross	293-2911
Cascade Job Corps	854-3400
Work Source	416-3600
Skagit Valley College	416-7600
Youth Dynamics-Mt. Vernon	757-1337
Boys & Girls Club-Anacortes	588-9045
WA State DVR	800-745-5960
DVR-Mt. Vernon	360-416-7426
WA State Empl. Security	416-3500
Skagit Valley Literacy	416-7585

Emergency Assistance

Poison Control	800-732-6985
American Red Cross	424-5291
Anacortes Red Cross	293-2911
CARE Crisis Response	800-584-3578
Suicide Prevention	800-584-3578

Legal

Prosecuting Attorney	336-9460
Public Defender	336-9405
NW Immigrant Rights	800-445-5771
NW Justice Project	800-562-8836
CLEAR/DV NW Justice Pjt	888-201-1012
Skagit DV&SAS	336-9591
Crime Victims Comp.	800-762-3716
Adult Probation	336-9372
Family Support	336-9461
Non Criminal-free legal help	888-201-1014
LAW Advocates-low income	671-6079
Skagit Com. Action -lawyer	416-7546

Housing

Housing Authority:	428-1959
-Anacortes Office	293-7831
-Sedro Woolley Office	855-0404
Friendship House-Men	336-2135
-Women & Children	336-2418
Oasis Teen Shelter	424-9058
Self-Help Housing	424-0333
LightHouse Mission	360-733-5120
AGAPE House	360-733-3796
Lydia Place	360-671-7663
Oak Harbor CADA-shelter	360-675-7781
Everett CBW-shelter	425-259-2827
Women Care-Bellingham shelter	360-734-3438
Anacortes Family Center-shelter	293-2993
Opportunity Council	764-5121
Agape House women and children	733-3796

Food Banks

St. Vincent de Paul	336-5847
Anacortes 100	293-6445
Salvation Army	293-6682
Helping Hands-Sedro Woolley	855-2211
SeaMar Homeless	424-5710
Neighbors In Need	424-6829
St. Vincent de Paul-Anacortes	293-9821

Health

SeaMar Health Clinic	428-4075
Basic Health Plan	800-660-9840
Island Hospital	299-1300
Island Prenatal Center	293-6973
SeaMar Counseling	428-8912
Family Birth Center	428-2296
Skagit Valley Hospital	424-4111
UGH Prenatal Clinic	856-7318
Welcome Baby	419-3324
CPR Class-Bill Craig	428-3236
Compass Health-mental illness	419-3500
Care Center	428-2273

Transportation

Skagit Council/Aging	336-9315
Greyhound	800-231-2222
Greyhound-Mt. Vernon	336-5111
SKAT-Admin. Burlington	757-4433
Everett Greyhound	425-252-2143

Abuse

Adult Protective Svcs.	800-487-0416
Child Abuse Hotline	800-422-4453
CPS- child and elder abuse	416-7200
DV Hotline	800-562-6025
Family Help Line	800-932-4673
Senior Info.	336-9345
Concrete Senior Center	853-8400
Skagit Mental Health	416-3500
-for Children	416-7530
Skagit DV&SAS	336-9591
Crisis Line:	800-726-6010
Care Crisis- mental illness	800-584-3578

Women's Services

Inter-Island Preg.Cntr.-Anac.	299-0568
Planned Parenthood	848-1744
GED-Skagit Valley College (SVC)	416-7820
Career Info.-SVC	416-7684
Displaced Homemaker-SVC	416-7762
Women's Program-SVC	416-7616
Health Dept.	366-9380
Oak Harbor Health Dept.	360-257-8049
Upper Skagit Tribe	854-7000
United General	856-6021
Skagit Valley College	416-7600
Pregnancy Choices-Mount Vernon	428-4777
Skagit DV&SAS	336-9591
Crisis Line:	800-726-6010
WIC	800-322-2588

1-800 Referral Numbers

DV Hotline	800-562-6025
Poison Hotline	800-732-6985
SIDS	800-553-0376
Social Security	800-772-1213
Social Security-Mt. Vernon	428-5527
DSHS-Mt. Vernon	800-735-7038

Clothing & Household

Pregnancy Care Clinic-Anac.	299-0568
Kiwanis Thrift Shop-Anac.	293-2921
Salvation Army-Mt. Vernon	424-6441
St. Vincent de Paul	855-1937
Soroptimist-Anacortes	293-7251
Humane Society Thrift	424-5991
Soroptimist-Burlington	755-0369

Children & Youth Services

Emerson Alternative School	336-2681
Cascade Job Corps	854-4300
Energy Assistance	428-1011
Skagit Com. Action	416-7585
YMCA	336-9622
Pregnancy Choices	428-4777
WIC	416-7595
Youth Net-Mt. Vernon	336-1610
Catholic Comm. Services-youth	416-7546
Oasis Teen Shelter	419-9058

Public Libraries

Mount Vernon	336-6209
Burlington	755-0760
Anacortes	293-1910
La Conner	466-3352
Sedro Woolley	855-1166
Concrete	853-8950

Drug & Alcohol

Pioneer Center North	856-3186
AA	206-587-2838
Alcohol/Drug Hotline	800-562-1240
Detox	416-7546
Phoenix Recovery	360- 848-8437
Swinomish-Wellness Program	466-1024
Upper Skagit-Substance Abuse	854-7070
Skagit Recovery-batter treatment	428-7835
Follman Agency	419-0562
Alcoholics Anonymous	888-360-1564
United NW Recovery	856-6300
Pacific Recovery	336-9980
SeaMar	428-8912

Self Help/Support Groups

Skagit DV&SAS	336-9591
Catholic Com. Services-youth	416-7546
Displaced Homemaker	416-7762
LaLeche League	800-laleche
Family Help Line	800-932-4673
SIDS Support Group	800-533-0376
Folman Agency teens/kids	755-1125
Alcoholics Anon.-local	336-3650
Kulshan Creek Station	848-1331
Eating Disorders	800-445-1906

Updated 2/08

Safety

Hi-Tech Stalking Devices Extend Abusers' Reach



Sherri Peak

Run Date: 10/01/06

*By Marie Tessier
WeNews correspondent*

The case of a Seattle woman who was stalked by her estranged husband shows how controlling personalities can use cell phones, spyware and GPS technologies to terrorize their victims. First in "Dangerous Trends, Innovative Responses" eight-part series.

(WOMENSENEWS)--As Sherri Peak ran errands in suburban Seattle, she often saw her estranged husband in the rearview mirror of her Toyota Land Cruiser. Robert M. Peak showed up at her Bellevue business, at restaurants, at shops in downtown Seattle, and at the homes of co-workers.

The couple separated in July 2005, as Sherri Peak sought to escape what she describes as her husband's controlling behavior.

According to her claims during a subsequent criminal investigation, by August, he was phoning Sherri Peak's co-workers repeatedly to find out where she was. She was being stalked, a pattern of behavior that is linked to a higher risk for homicide. In October, terrified, she filed for a protective order to keep him away.

Robert Peak had also found invisible ways to monitor his wife, though it would take months to unravel what they were. Once, Sherri Peak told a friend that she was going to notify police that he had violated the protective order, and Robert Peak went to the police station first to tell them the incident was nothing, she says.

"This is a case of 'watch him come kill me,'" Sherri Peak told Women's eNews. "He used technology to threaten, control and hold me hostage."

In early 2006, trusting her instincts but unable to find a tracking device herself,

Sherri Peak brought her SUV to the Bellevue, Wash., police. Two hours into an inspection assisted by immigration and customs agents, and on the verge of giving up, investigators popped off the dashboard.

Inside, they found a cell phone with a Global Positioning System, or GPS. The phone was hooked to the battery of the vehicle, and programmed to pick up silently whenever he called. Once the phone answered, her stalker could monitor the precise location of her SUV via the Internet.

Technology Assists Stalkers

As GPS systems get smaller and cheaper, and as cell phone and computer monitoring software becomes standard in families concerned about Internet safety, Sherri Peak's experience of intimate partner stalking is becoming more common, law enforcement officials and advocates say.

Type "spouse" combined with "track" or "spy" into any Internet search engine, and consumers are offered myriad products from hidden cameras to GPS devices to computer software, all at low prices. "Monitor any PC from anywhere!" one ad promises. "Catch a spouse in the act!" another says.

Safe cell phones and secure computers are often a central part of battered women's safety plans, as they seek to escape abuse. However, abusers increasingly are using phone records, computer software that displays every key typed, and other technologies to stalk, monitor, control and terrify their victims.

"For an abuser, it's all about power and control," says Cindy Southworth, director of technology at the National Network to End Domestic Violence in Washington, D.C. "Abusers have always monitored their victims and stalked them when they tried to leave, but now they can do it with new technologies."



Cindy Southworth

Credit: National Network to
End Domestic Violence.

Criminologists know that a stalking victim's terror is well founded. Studies have shown that stalking is a red flag showing a high risk of a woman's homicide. Nine out of 10 women killed by intimate partners have been stalked during the previous year, research shows. One-third of women stalked by a current or former partner are sexually assaulted, according to the National Institute of Justice, a government research office.

When police searched Robert Peak's home, they found Sherri Peak's e-mails, including correspondence with police and her divorce attorney, and the spyware program he had used to obtain them.

Access to House Keys and Passwords

They found passwords and account numbers he had hacked from her computer. They found a set of keys to the new locks Sherri Peak had put on her home. In August, Robert Peak was sentenced on felony stalking charges to eight months at King County Jail in Washington, according to the Seattle Times. He is on a work

release program, but stays in jail at night and on weekends.

Robert Peak, through his attorney, declined to comment for this story.

In a similar case in Arizona last summer, the felony stalking conviction of former Major League Baseball outfielder Albert Belle exemplifies how 3 of every 4 stalking victims are terrorized by threats of violence or death at the same time that they are being monitored and followed.

Belle's ex-girlfriend told police that he was showing up "everywhere she went," such as the store, on dates, and at the gym. He left a phone message saying she needed to hire a bodyguard for protection and that she "would never know what hit her," according to news reports of court statements.

But it wasn't until she drove over a bump in the road and heard something fall off her car that the woman, whose identity has been kept out of the news, discovered the GPS device. Belle was sentenced to 90 days in jail after pleading guilty in July, according to TV network ESPN. The judge vowed to put him in prison if he ever contacted the woman again.

Stalking convictions like those of Belle and Robert Peak are increasing, but are still not routine.

Because infractions tend to happen over a long period of time, at varied times of the day, and often in a variety of jurisdictions, it is difficult and time-consuming for police and prosecutors to build a successful case, attorneys say. Even then, it is difficult for juries to grasp the depth of fear and control that perpetrators have created for a victim.

"When a victim presents herself to law enforcement, it doesn't necessarily look that dangerous," says Sandy Bromley, an attorney with the Stalking Resource Center at the National Center for Victims of Crime in Washington, D.C. "Individual incidents alone usually would not be criminal, but when you add them together in a pattern of following, calling and using technology to track a victim, it becomes a type of behavior that is designed to induce fear. And it works."



Sandy Bromley

Credit: National Center
for Victims of Crime

Trusting Instincts

Advocates and law enforcement experts have two basic pieces of advice for people who think a partner or former partner has too much information about them. "First, trust your instincts," says Southworth of the National Network to End Domestic Violence. "If you think a partner or former partner knows too much about you, it's probably true."

Second, it can be critical to a woman's safety to avoid tipping off a stalker by disabling monitoring devices. Rather, a victim should work with law enforcement officials, a local domestic violence agency or the National Domestic Violence Hotline

to develop a safety plan, advocates say.

In the digital age, a routine look at a computer's Web visit history could reveal a search for a new apartment, a new job or a new location, according to the Stalking Resource Center. Even making seemingly common sense moves such as searching for spyware and erasing it from a home computer can trigger an escalation in violence, advocates say. Such a move could also destroy evidence necessary to bring a criminal prosecution or to obtain a civil protection order.

In the meantime, pursuing a criminal case is a process that takes an average of two years, even as a woman lives in fear, Bromley says. It's also often necessary because research shows that stalkers are usually obsessive, difficult to deter and likely to escalate their behavior at any time.

And then a perpetrator is released from jail, as Robert Peak will be later this year. The Peaks' divorce is set to proceed early next year. Custody and visitation of their two children will be at issue.

"I would say this experience has been like being hostage in your own life, someone always knowing where you are, what you're doing," Sherri Peak says. "And it's a very, very scary thing."

Marie Tessier is an independent journalist who covers national affairs, and writes frequently about violence against women.

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Women's eNews welcomes your comments. E-mail us at editors@womensenews.org.

Child Victims Bill of Rights

The Kitsap County Prosecutor's Office will make reasonable efforts to ensure that child victims and witnesses are afforded the following rights—

1. To have all proceedings explained in language which can be easily understood by the child.
2. With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.
3. To have, whenever practical, a secure waiting area provided for the child during court proceedings, and to have a support person stay with the child.
4. To not have the name, address or photograph of the child victim or witness disclosed to any agency outside the criminal justice system without the permission of the child or the child's guardian.
5. To allow an advocate to make recommendations to the prosecuting attorney about the child's ability to cooperate with the prosecution and the potential effects of prosecution upon the child.
6. To allow an advocate to inform the court about the child's ability to understand the nature of the proceedings.
7. To be provided information and referrals to agencies to assist the child and/or the child's family in dealing with the emotional impact of the crime and the legal proceedings.
8. To allow an advocate to be present in court to provide emotional support to the child during testimony.
9. To inform the court as to the need to have other supportive persons present during the child's testimony.
10. To allow law enforcement agencies to enlist the services of other professional personnel such as child protective services, victim advocates, or prosecutorial staff trained to interview child victims.

With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims. The written statement shall include the name, address, and telephone number of a county or local crime/victim/witness program, if such a crime victim/witness program exists in the county.

Crime Victims Bill of Rights

The Kitsap County Prosecutor's Office will make reasonable efforts to ensure that victims and witnesses are afforded the following rights (See RCW 7.69.030)–

1. With respect to victims of violent or sex crimes, to receive a written statement of the rights of crime victims. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program.
2. To be informed of the final outcome of the case.
3. To be informed of changes in court dates for which you have been subpoenaed.
4. To receive protection from harm and threats of harm arising from your cooperation with law enforcement and prosecution, and to be informed as to the level of protection available.
5. To receive witness fees to which you are entitled.
6. To have, whenever practical, a secure waiting area during court proceedings that does not require you to be near defendants and their families or friends.
7. To have any stolen or other personal property used as evidence returned when no longer needed as evidence.
8. To have someone intervene with your employer if necessary when you are required to be in court.
9. To have access to immediate medical assistance without unnecessary delay. Victims of domestic violence, sexual assault, or stalking shall be notified of their right to reasonable leave from employment.
10. With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or a support person of their choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim.
11. To be present in court during trial if you are a victim or survivor of a victim, after your testimony has been given and no further testimony is required, and not to be excluded just because you have testified.
12. If requested, to be informed of the date, time and location of the trial and sentencing hearing in felony cases if you are the victim or survivor of the victim.
13. To submit a victim impact statement to the court which shall be included in all presentence reports and permanently included in the files accompanying the offender committed to the custody of a state agency.
14. To present a statement in person or in writing at the sentencing hearing in felony cases if you are the victim or a survivor of the victim.
15. To have restitution ordered by the court, unless the court finds this inappropriate, in felony cases if you are the victim or survivor of a victim.
16. To present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.
17. To present a statement to the Indeterminate Sentence Review Board in person, via audio or videotape, in writing or by representation prior to the granting of parole or community custody of any offender under the board's jurisdiction.

Dependent Victims Bill of Rights

The Kitsap County Prosecutor's Office will make reasonable efforts to ensure that dependent victims and witnesses are afforded the following rights–

1. To have all proceedings explained in language which can be easily understood by the dependent person.
2. With respect to dependent victims of sex or violent crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the victim and to promote the dependent person's feelings of security and safety.
3. To have, whenever practical, a secure waiting area provided for the dependent person during court proceedings, and to have a support person stay with the dependent person.
4. To allow an advocate to make recommendations to the prosecuting attorney about the dependent person's ability to cooperate with the prosecution and the potential effects of prosecution upon the dependent person.
5. To allow an advocate to inform the court about the dependent person's ability to understand the nature of the proceedings.
6. To be provided information and referrals to agencies to assist the dependent person in dealing with the emotional impact of the crime and the legal proceedings.
7. To allow an advocate to be present in court to provide emotional support to the dependent person during testimony.
8. To inform the court as to the need to have other supportive persons present during the dependent person's testimony.
9. To allow law enforcement agencies to enlist the services of other professional personnel such as victim advocates, or prosecutorial staff trained to interview dependent persons.

With respect to a dependent victims of sex or violent crimes, to receive either directly or through the dependent person's legal guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of dependent persons. The statement may be paraphrased to make it more easily understood. The written statement shall include the name, address, and telephone number of a county or local crime/victim/witness program, if such a crime victim/witness program exists in the county.

Any party may request a preliminary hearing for the purpose of establishing accommodations for the dependent person consistent with their rights.