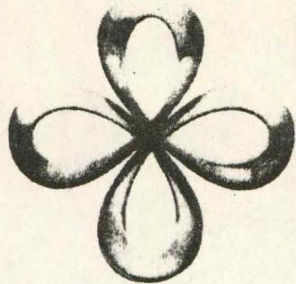


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IOWA COMMISSION ON THE STATUS OF WOMEN

507 Tenth Street
Des Moines, Iowa 50319
Telephone (515) ~~247-4464~~ 281-4461

PHYLLIS HOWLETT
CHAIRPERSON

SUE FOLLON
EXECUTIVE DIRECTOR

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ROBERT D. RAY
GOVERNOR

Summary of Battered Women Hearings

April 21, 1977 - Waterloo, Iowa

May 26, 1977 - Des Moines, Iowa

Shelley Smith
Information Specialist



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Background

Nine hours of testimony on battered women revealed some disturbing facts about the nature and scope of domestic violence in Iowa. The testimony came at two public hearings--one in Waterloo and one in Des Moines--conducted by the Iowa Commission on the Status of Women this spring. Twenty-seven witnesses, including law enforcement officials, state and local agency representatives, lawyers, counselors, psychologists, battered women task forces, and victims themselves, testified that domestic violence is a widespread and yet unrecognized social problem.

According to Commission Chair Phyllis Howlett, "the purpose of the hearings was to gather first-hand information on the incidence of battering, to assess the needs of battered women and to provide a public forum for concerned organizations and individuals to offer suggestions for remedies." In opening remarks at the hearings Howlett noted that the Commission office had received many anonymous letters and phone calls expressing support for the hearings and indicating a widespread need for solutions to the problem. "For fear of repercussions, many women were unable to testify", Howlett said. She announced that the Commission will use the testimony in exploring the need and feasibility of legislation to provide assistance and support services for victims and society's cavalier acceptance of domestic violence.

Victims Needs

Personal experiences revealed by victims focused on unsuccessful cries for help to police and other agencies and feelings of being trapped in violent situations. Although each victim's testimony was unique, common elements were reported by all---- isolation, financial dependence, fear, and lack of community support and services.

Lois Myers testified that she was married to an alcoholic for 17 years because she was afraid she couldn't make it on her own. Debra Neitzel reported that she remained with her abusive husband because she was terrified of him and felt the police would not protect her. Neitzel suggested that shelters be established to provide battered women with physical protection and time to consider alternatives. "A lot of women have nowhere to go, so they stick it out at home. It is a very frightening and degrading experience and women need someone to turn to for help," she said. Another victim, Bonnie Thompson Kennett reiterated the need for community support services. "Violence must be dealt with. Looking away only condones it," she concluded.

Incidence and Victim Information

Nationally, it is estimated that the incidence of woman battering is three times that of rape. Testimony presented by Trish Harlow, chair of the Polk County Coalition on Battered Women, corroborated this estimate. During the Coalition's one-month survey of social service agencies and hospitals, 106 cases of abuse were reported. This represents three times the number of rape cases reported monthly to the Polk County Rape/Sexual Assault Care Center.

Forty-seven of the survey's abuse cases were reported by hospitals. Of these, less than half were reported by the Polk County Broadlawns hospital. Harlow pointed out that only three of the total reported cases involved first-time abuse, while 31% involved abuse over 6 years and 81% involved abuse over 1 year. Additionally, the survey data indicated that abuse tended to occur regularly. "The abuse was at least once a month in 58% of the cases and weekly in 25% of the cases," Harlow stated.

Survey information about victims' ages and race indicated a correlation with the general population distribution. 87% of the abuse victims were white and the majority (40%) were between the ages of 25 and 34.

Harlow testified that the Coalition sought information about victims problems in order to facilitate appropriate future programming. She noted that lack of personal resources was an outstanding problem among survey victims. At least 61% of the victims were unemployed and 35% were considered unemployable given their current skills. Additionally, 90% of the victims had children in the home. Over half of the victims had married very early--at age 18 or younger. Harlow suggested that these women probably had little or no experience living independently before marriage.

Harlow also reported that separation or divorce does not protect a woman from further attacks. Only 43% of the victim's surveyed were married to the men who attacked them and 37% were either separated or divorced. "The abuse does not necessarily end when a woman leaves the home. Many women say that this is when the threats and beatings are more severe," Harlow stated.

Law enforcement representatives agreed that women battering is widespread. Assistant Waterloo Police Chief, Gil Hansen, reported that during 1976 the Waterloo Police Department answered 3,000 family disturbance calls. Sargeant Tom Heller of the Des Moines Police force pointed out that "domestic disturbances" are very dangerous situations for police. "Many times both people will turn on the officer", he said. He reported that the police are reluctant to arrest in such cases unless there is substantial evidence of abuse.

Polk County attorney, Dan Johnston, was also questioned about police reluctance to arrest in domestic situations. According to Iowa law, police are empowered to arrest if an assault occurs while they are present. However, if the officer is not a witness to the assault he/she may arrest, but stands libel for false arrest if the court later determines the arrest to be wrong. Johnston said that police liability was a major reason why an officer may be reluctant to make the arrest and, instead, advise a victim to file the charge herself with the county attorney. However, Johnston conceded that an officer's internalized sexist attitudes also contributes to the reluctance to arrest.

Johnston also testified concerning the inadequacy of restraining orders in providing victim protection. Johnston said restraining orders are issued by judges in divorce cases. In cases where there has been a history of violence in the marriage, the judge may issue a restraining order removing the husband from the home or prohibiting him from all physical contact with his wife. Use of restraining orders are no guarantee of physical protection, however, because

violations of such orders are punishable only as contempt of court charges. Johnston said police can not make arrests for violations of restraining orders. "No one could be arrested by me or by the police for violation of a restraining order ", Johnston said. He stated that Iowa statutes would have to be changed to authorize police to make immediate arrests for such violations.

The most reliable warning to police that a murder is going to occur is an incident of wife-beating, Johnston testified. However, he said that the legal system is not effective in domestic cases. Arrest and prosecution of a man who beats his wife or girl friend is likely only to provoke further violence between the two. Men arrested in such cases will usually be released almost immediately. "Chances are the kinds of personal problems and personal feelings that exist in a battered woman situation, if the defendant is her husband or her lover, are so strong and so great that whatever additional sanction we can put on over and above the arrest itself is not going to deter in any measurable way future harm to that woman," Johnston testified. He described the typical domestic case: "What normally happens is that the police go into the situation mindful of the problems of making arrests..... They would tell the women to go to the county attorney's office and file a complaint. I have to exercise my own prosecutorial judgement whether or not a crime has been committed and whether or not a case ought to be filed. If my assistant in the Intake and Screening Bureau files a criminal charge, allowing an individual to swear out a complaint, then the court will issue a warrant for the arrest of the defendant or a summons ordering that defendant to come into court. As soon as the defendant comes into court, then the charges are read to the defendant and a bond is posted

and if the defendant posts that bond, then the defendant, of course, is at liberty until the trial. If the trial takes place and the defendant is convicted, then unless there is a substantial record of this kind of activity in the past, the defendant is probably going to be given some kind of probation or suspended sentence given contemporary sentencing standards." Johnston further noted that his office does not have the facilities to supervise persons on this type of probation.

He stated that criminal sanction often triggers retaliation against the victim rather than deterring further violence.

Other witnesses also testified concerning the inadequacy of the law enforcement system. Christine Pattee, Health Specialist for the Iowa State Legislature's Human Resources Committee, reported a survey of 274 battered women indicating that the majority were victims of felonious assaults considering the seriousness of their injuries. The implication was that police tend to perceive domestic assaults as less serious than assaults between strangers and are apt to categorize domestic assault as misdemeanors rather than felonies. Johnston conceded that police are likely to respond differently to domestic assault than to assaults involving strangers.

Michele Allen, paralegal at the Polk County Legal Aid Society, testified that the legal options available to victims are too time consuming and ineffective. Clients complain that police afford no protection. She said Legal Aid assists victims in obtaining divorces. She described a typical case: "The first restraining order we can get the victim seeking divorce is for three days, and three days only. It is called a temporary restraining order. We

always have the respondent served with this paper. He in turn will come back and re-beat the woman again for having the (the victim) papers served on him in the first place. We'll have to take her back to court which generally takes anywhere from two weeks to a month to get a permanent injunction. Once we get the client the permanent injunction, which again has to be served on the respondent, he in turn comes back and beats our client again. We then have to draw up new papers called a "Contempt of Court" and issue a bench warrant for the respondent. Then the respondent is supposed to come to the courthouse, which he does not do, which doesn't give her any type of relief whatsoever. She is basically back in the same situation, but at least she is on her way to getting a divorce." Allen complained that there were no services for clients referral. "We have told lots of clients to check themselves into jail for protection," Allen testified.

Suggestions

Besides documenting the existence of battering, many witnesses also suggested remedies and proposed programs for dealing with abuse. Most witnesses agreed that providing shelter for the battered woman was a critical component of any program designed to curb abuse. Representatives from the Women's Emergency Shelter of Cedar Rapids and the Waterloo/Cedar Falls Task Force on Battered Women testified that their organizations had developed volunteer networks for housing victims in private homes in their areas. Few such programs presently exist in Iowa. Robert Runkle, Executive

Director of the Black Hawk-Grundy Mental Health Center, suggested that enabling legislation is needed to provide funds for local development of shelters and other programs.

Runkle suggested that local agencies form consortiums to coordinate services for battered women in the areas of mental health, vocational services, counseling, financial aid, physical protection, and legal and medical services. He stressed that local programs should also concentrate on developing services for men who want to change their patterns of violence. Several witnesses said that the problem of battered women was indicative of a larger issue, that of violence in the family and that in the long run preventive programming must focus on violence in the family.

Marie Hart of the Polk County Coalition on Battered Women suggested that support groups for victims should be established. She announced that the Polk County Coalition was sponsoring an ongoing victim support group starting June 7 at the Des Moines YWCA.

With the absence of model programs and government funding for services in the area, experiences in treating the problem have been limited and other suggestions for programs were varied. Some witnesses suggested that police departments develop special teams of officers trained in crisis intervention techniques to respond to domestic disturbance calls. Other suggestions included: mandatory counseling for abusers, victim advocates to assist women in dealing with the legal and criminal justice systems, neighborhood dispute centers, education in non-violent coping behavior, family counseling and mandatory reporting of battering similar to the current child abuse reporting law.