

CHAPTER THIRTEEN

Domestic Violence

IN THE UNITED STATES in 1996, there were approximately 992,000 acts of domestic violence, according to the United States Justice Department Bureau of Justice Statistics. The acts of violence included murders, assaults, rapes and robberies. The murder rate in 1996 was 1,800, which is down from nearly 3,000 victims in 1976. Approximately three-quarters of the murder victims in 1996 were female.

Incidence of domestic violence correlated with income. Women with family income under \$7,500 experienced the highest rates of violence (22 per 1000); women with family income over \$75,000 had the lowest rates of violence (2.5 per 1000). Black females experience more domestic violence than white females (12 per 1000 versus 9 per 1000). The highest rates of intimate violence are in the age range of 16 to 24.

One out of four incidents of domestic violence involved an offender who had been drinking, and of those offenders who were sent to prison about half had been drinking for six or more hours before the violence occurred.

Although most studies show that women are the primary victims of domestic violence, some studies suggest that about half of domestic violence cases are “**bi-directional**”--meaning both the man and woman are engaging in aggressive conduct.

The Justice Department survey analyzing 1996 data found that 75 percent of women took self-protective action in response to domestic violence. According to an earlier survey, of the women who tried protect themselves against domestic violence, over half believed their self-protective response helped the situation and almost one-quarter believed their action made the situation worse.

State Laws

In recent years, state legislatures and courts have been paying increasing attention to domestic violence. Most states have elaborate laws designed to protect individuals from domestic violence by their spouses, other family members, and people with whom the victim may have had a social relationship.

A common remedy is for a court to issue an **order of protection** (also known as a **protective order**) that orders the alleged abuser to stop abusing or harassing someone else. In addition, the orders often will direct the abuser to stay away from the spouse, the spouse's home, or place of work. If the person continues to abuse his or her spouse (or another person protected by the order), the abuser can be charged with a criminal violation of the order in addition to being charged with other offenses, such as assault and battery. Penalties include fines and incarceration.

The domestic violence statutes in most states apply not only to physical attacks, but also to other types of conduct. Some examples of conduct that could be considered domestic violence: creating disturbance at a spouse's place or

work, harassing telephone calls, stalking, surveillance, and threats against a spouse or family member (even though the threat may not have been carried out).

Studies have shown that issuing a protective order or arresting a person who commits an act of domestic violence does reduce future incidents of domestic violence. When perpetrators of domestic violence see that the police and court system will treat domestic violence seriously, many persons who commit domestic violence may be deterred from future violence.

But orders of protection are not guarantees of protection or safety. For some individuals with intense anger or rage, no court order will stop their violence, and a court order might even add to the rage. Newspapers periodically carry stories of women murdered by their husband or boyfriend despite numerous arrests and orders of protection. The legal system cannot offer perfect protection, although it can reduce violence.

Federal Law

In 2000, the United States Supreme Court in a case of *United States v. Morrison* struck down a portion of the **Violence Against Women Act** (the more formal title of which is the **Civil Rights Remedies for Gender-Motivated Violence Act**). The act was an attempt by Congress to allow a person to sue for damages if another person “commits a crime of violence motivated by gender.”

The Supreme Court, although sympathetic to issues of domestic violence, held that domestic violence did not involve a sufficient connection to

economic activity to be justified under the **Commerce Clause** of the U.S. Constitution. It also held that since the conduct the act sought to prevent was private conduct rather than conduct of the state government, the act also was not a proper exercise of power under the Constitution's **Fourteenth Amendment**.

Although the Court held that Congress did not have the power to create a remedy for domestic violence, victims of domestic violence still can use state laws seek to prevent further violence and collect damages for violence that already has been done.

Where to Turn for Help to Turn for Help

In a crisis situation, a call to the police is a good place to start. Many people complain that police do not take accusations of domestic violence seriously. That can be true in some circumstances, but on the whole, police are treating domestic violence situations more seriously, and police officers are receiving increased training on the subject.

The local state's attorney or district attorney also may be able to offer some help. An increasing number of hospitals, crisis intervention programs, domestic violence shelters, and social service agencies have programs to help victims of domestic violence. Agencies offering help in cases of domestic violence might be found in the Yellow Pages under "Domestic Violence Help," "Human Services Organizations," or "Crisis Intervention."

If one is working with an attorney in connection with a divorce, the attorney also should be able to initiate the appropriate legal proceedings.

Additional resources are listed in the “Domestic Violence” entry in the final section of the book, [“Where to Get More Information.”](#)

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