

HEAVY HANDS

An Introduction to
the Crimes of Family Violence

FIFTH EDITION



DENISE KINDSCHI GOSSELIN

Fifth Edition

HEAVY HANDS

AN INTRODUCTION TO THE CRIMES OF
INTIMATE AND FAMILY VIOLENCE

Denise Kindschi Gosselin

Western New England University

PEARSON

Boston Columbus Indianapolis New York San Francisco Upper Saddle River
Amsterdam Cape Town Dubai London Madrid Milan Munich Paris Montreal Toronto
Delhi Mexico City São Paulo Sydney Hong Kong Seoul Singapore Taipei Tokyo

Editorial Director: Vernon R. Anthony
Executive Editor: Gary Bauer
Editorial Assistant: Kevin Cecil
Director of Marketing: David Gesell
Marketing Manager: Mary Salzman
Senior Marketing Coordinator: Alicia Wozniak
Marketing Assistant: Les Roberts
Senior Managing Editor: JoEllen Gohr
Senior Project Manager: Steve Robb
Senior Operations Specialist: Deidra M. Skahill
Art Director: Jayne Conte
Cover Designer: Suzanne Behnke
Cover Image: © Dennis Steen/Shutterstock®
Full-Service Project Management: Mohinder Singh/Aptara®, Inc.
Composition: Aptara®, Inc.
Printer/Binder: Courier/Kendallville
Cover Printer: Lehigh-Phoenix Color/Hagerstown
Text Font: Minion Pro Regular

Credits and acknowledgments borrowed from other sources and reproduced, with permission, in this textbook appear on the appropriate page within text.

Copyright © 2014, 2010, 2005 by Pearson Education, Inc. All rights reserved. Manufactured in the United States of America. This publication is protected by Copyright, and permission should be obtained from the publisher prior to any prohibited reproduction, storage in a retrieval system, or transmission in any form or by any means, electronic, mechanical, photocopying, recording, or likewise. To obtain permission(s) to use material from this work, please submit a written request to Pearson Education, Inc., Permissions Department, One Lake Street, Upper Saddle River, New Jersey 07458, or you may fax your request to 201-236-3290.

Many of the designations by manufacturers and sellers to distinguish their products are claimed as trademarks. Where those designations appear in this book, and the publisher was aware of a trademark claim, the designations have been printed in initial caps or all caps.

Library of Congress Cataloging-in-Publication Data

Gosselin, Denise Kindschi

Heavy hands : an introduction to the crimes of intimate and family violence / Denise Kindschi Gosselin, Western New England University. — Fifth edition.

pages cm

ISBN-13: 978-0-13-300860-9

ISBN-10: 0-13-300860-6

1. Family violence—Philosophy. 2. Family violence—Government policy. 3. Victims of family violence—Services for. I. Title.

HV6626.G67 2014

362.82'92—dc23

2013012092

10 9 8 7 6 5 4 3 2 1

PEARSON

ISBN 10: 0-13-300860-6

ISBN 13: 978-0-13-300860-9

*To Dr. Alida V. Merlo,
my mentor and friend.*

You will never know the depth of influence you have had on other people's lives.

CONTENTS

Preface xvi

About the Author xix

Chapter 1 GLOBAL VIOLENCE AGAINST WOMEN 1

Chapter Objectives 1

Key Terms 1

Introduction 1

Violence Against Women: A Global Concern 2

The United Nations 4

Violence Against Women: Around the World 5

Afghanistan 6

Australia 7

Canada 8

India 9

Malaysia 10

Mexico 12

Mozambique 14

People's Republic of China 15

Peru 16

Philippines 17

Republic of Iraq 17

Romania 18

Russian Federation 20

Scotland 20

Thailand 21

Conclusions 22

Simply Scenario 23 • *Questions for Review* 23 •

Internet-Based Exercises 23 • *References* 23

Chapter 2 HISTORY OF VIOLENCE IN THE FAMILY 27

Chapter Objectives 27

Key Terms 27

Introduction 27

Examples of Family Violence 27

Early Social–Legal History 30

The Ancient World of Greece 31

The Roman Empire 32

The Christian Era	32
British Common Law	33
French Law	33
<i>Marital Relations in Early America</i>	34
Puritan Restrictions	34
The Next One Hundred Years	35
African American Families	35
Native American Families	37
One Hundred Years of Secrecy	37
Wife Battering	39
<i>What Is Family Violence Today?</i>	40
Intimate Partner Violence	41
Child Abuse	43
Elder Abuse	43
<i>Forms of Intimate Partner Violence</i>	44
<i>Legal Family Relationships</i>	45
<i>Definitions of Common Terms</i>	46
Neglect	46
Physical Abuse	47
Psychological Abuse	47
Sexual Abuse	47
<i>Conclusions</i>	47
<i>Simply Scenario</i>	49 •
<i>Questions for Review</i>	49 •
<i>Internet-Based Exercises</i>	49 •
<i>References</i>	49

Chapter 3 FOCUS ON RESEARCH AND THEORY 51

<i>Chapter Objectives</i>	51
<i>Key Terms</i>	51
<i>Introduction</i>	51
<i>Historical Applied Research</i>	52
<i>Research Methods</i>	55
Quantitative Research	55
Qualitative Research	56
<i>Sources of Family Violence Data</i>	57
National Intimate Partner and Sexual Violence Survey	57
National Crime Victimization Survey	59
Uniform Crime Reports	60
National Incident-Based Reporting System	61
State Court Processing Statistics	62

Federal Justice Statistics Program	63	
Survey of Inmates	63	
<i>Source and Citing Issues</i>	63	
Evaluating Your Source	64	
APA Guidelines	65	
Writing and Citing	66	
<i>Family Violence Theory</i>	66	
<i>The Classical School</i>	67	
Rational Choice Theory	68	
Deterrence Theory	68	
Critique of the Classical School	69	
<i>The Positive School</i>	69	
<i>The Positive School—Biological Theories</i>	69	
Eugenics	70	
Biochemical Imbalance Theories	71	
Critique of the Biological Theories	71	
<i>The Positive School—Sociological Theories</i>	71	
Social Structure and Cultural Theories	71	
Critique of the Sociological Theories	72	
<i>The Positive School—Psychological Theories</i>	73	
Social Learning Theories	73	
Social Control Theories	74	
Critique of the Psychological Theories	75	
<i>The Conflict School</i>	75	
Patriarchal Theory	75	
Gender Inequality	76	
Critique of the Conflict School	77	
<i>Conclusions</i>	77	
<i>Simply Scenario</i>	78 • <i>Questions for Review</i>	78 •
<i>Internet-Based Exercises</i>	78 • <i>References</i>	79

Chapter 4 CHILD ABUSE 81

<i>Chapter Objectives</i>	81
<i>Key Terms</i>	81
<i>Introduction</i>	81
<i>History of Child Maltreatment</i>	83
Ancient Times	83
Middle Ages	83
Early Modern Period	84

Children in Early America	84
Child Abuse and Neglect Today	87
<i>Sources for Definitions of Child Abuse</i>	89
Child Abuse Initiatives	89
Federal Sources	89
State Definitions	91
<i>Emotional/Psychological Abuse</i>	92
Witnessing Family Violence	93
<i>Neglect</i>	93
Educational Neglect	94
Emotional/Psychological Neglect	95
Medical Neglect	95
Physical Neglect	95
<i>Physical Abuse</i>	96
Child Fatalities	96
<i>Sexual Abuse</i>	98
<i>Child Abuse Victims</i>	99
Age and Gender	99
Race and Ethnicity	99
<i>Mandated Reporting</i>	100
Who Must Report?	101
<i>Child Victims and Criminal Law</i>	101
<i>Domestic Violence and Child Custody</i>	103
<i>Criminal Jurisdiction</i>	103
<i>Conclusions</i>	104
<i>Simply Scenario</i>	105 • <i>Questions for Review</i> 105 •
<i>Internet-Based Exercises</i>	105 • <i>References</i> 105

Chapter 5 INVESTIGATING CHILD ABUSE 108

<i>Chapter Objectives</i>	108
<i>Key Terms</i>	108
<i>Introduction</i>	108
<i>Children with Disabilities</i>	110
<i>Introduction to Physical Abuse</i>	110
Location of Abrasions, Bruises, Lacerations, and Welts	111
Age Dating of Bruises	111
Patterns of Injury	113
Injuries to the Head	114
Burns	116

Family Abduction 117
Munchausen Syndrome by Proxy 118
Shaken Baby Syndrome 119
Child Death due to Abuse 120
 Child Death Review Teams 122
Sexual Abuse Introduction 123
Forms of Sexual Abuse 124
 Incest 125
Symptoms of Sexual Abuse 125
 Physical Indicators 126
 Behavioral Indicators 126
 Caretaker Indicators 126
Sexual Abuse Typologies 127
 Secrecy 127
 Helplessness 128
 Entrapment and Accommodation 128
 Delayed, Conflicted, and Unconvincing Disclosure 128
 Retraction 128
The Role of Police in Child Abuse 129
Interviewing Children 130
 Electronic Recording of Child Interviews 131
 Forensic Interviewing 132
Conclusions 133
 Simply Scenario 133 • *Questions for Review* 133 •
 Internet-Based Exercises 133 • *References* 134

Chapter 6 ADOLESCENT PERPETRATORS 136

Chapter Objectives 136
Key Terms 136
Introduction 136
Family-Based Theory 137
 Family Systems Theory 138
 Ineffective Parenting 139
Consequences of Child Abuse and Neglect 139
 Intergenerational Cycle of Violence 139
 Resilience & Self-Esteem 140
 Childhood Abuse and Delinquent or Criminal Behavior 141
 Childhood Abuse and Social Consequences 142
 Childhood Abuse and Psychological Consequences 142

Consequences of Witnessing Family Violence	143
<i>Adolescent Offending Patterns</i>	144
Animal Cruelty	145
Juvenile Child-Care Offenders	146
Firesetting	146
Murder	147
Runaway	148
Sexual Offending	149
<i>Sibling Violence</i>	150
Physical Abuse	150
Sexual Abuse	151
Emotional Abuse	151
<i>Teen Dating Violence</i>	151
Teen Dating Violence Protection Orders	152
<i>Parent Abuse</i>	153
<i>Pedophilia</i>	153
<i>Child Pornography</i>	154
<i>Conclusions</i>	155
<i>Simply Scenario</i>	155 • <i>Questions for Review</i> 156 •
<i>Internet-Based Exercises</i>	156 • <i>References</i> 156

Chapter 7 INTIMATE PARTNER VIOLENCE 159

<i>Chapter Objectives</i>	159
<i>Key Terms</i>	159
<i>Introduction</i>	159
<i>The Battered Women's Movement</i>	160
<i>Health and Safety Issues</i>	161
Homelessness	162
Injury and Trauma	163
Quality of Life Issues	164
Hotlines and Shelters	164
<i>Violence Against Women</i>	166
African American Women	167
American Indian and Alaska Native Women	167
Asian Women	168
Caucasian Women	169
Women with Disabilities	170
Hispanic Women	170
The Military and Violence Against Women	171

Violence Against Men 171
 Male Victims 172
Theories of Intimate Partner Violence 174
 Feminist Sociopolitical Theory 176
 Individual-Based Theories 176
 Social–Psychological Model 176
Sexual Offenses 177
 Marital Rape 177
 Date Rape 178
Dating Violence Victims 179
Conclusions 180
 Simply Scenario 181 • *Questions for Review* 181 •
 Internet-Based Exercises 182 • *References* 182

Chapter 8 GAY AND LESBIAN PARTNER ABUSE 185

Chapter Objectives 185
Key Terms 185
Introduction 185
Definitions 187
Prevalence of Abuse 188
 Gay Male Survivors 189
 Lesbian Survivors 191
Forms of Abuse 192
 Physical Abuse 193
 Sexual Abuse 194
 Emotional/Psychological Abuse 194
 Economic Abuse 194
 Identity Abuse 194
Theoretical Explanations 195
 Feminist Approach 196
 Psychological Model 196
 Social–Psychological Model 197
 Internalized Homophobia 197
Perpetrators in Gay Male Relationships 198
Perpetrators in Lesbian Relationships 199
Criminal Justice Interventions 199
Factors in Reporting to the Police 200
Legal Issues 203

Conclusions 203

Simply Scenario 204 • *Questions for Review* 204 •

Internet-Based Exercises 205 • *References* 205

Chapter 9 ABUSE IN LATER LIFE 207

Chapter Objectives 207

Key Terms 207

Introduction 207

Definitions 209

Prevalence 210

Categories of Abuse 211

Family Abuse 212

Institutional Abuse 213

Misuse of Restraints 215

Self-Neglect and Self-Abuse 216

Forms of Abuse 216

Physical Abuse 217

Emotional/Psychological Abuse 218

Sexual Abuse 218

Financial Exploitation 220

Neglect 221

Abandonment 222

The Victims of Abuse Against Older Adults 223

Age 223

Gender 224

Ethnicity 224

Vulnerability and Undue Influence 225

Consequences of Abuse Against Older Adults 226

Civil versus Criminal Action 226

Mandated Reporting 227

Multidisciplinary Team Response 228

Police Response 228

Conclusions 230

Simply Scenario 230 • *Questions for Review* 231 •

Internet-Based Exercises 231 • *References* 231

Chapter 10 ADULT PERPETRATORS 233

Chapter Objectives 233

Key Terms 233

Introduction 233

Abuser Characteristics 234

 Gender and Age 235

 Descriptions of the Batterer 236

 Styles of Violence 237

 High-Risk Offenders 238

The Role of Alcohol and Drug Use 239

 Substance Abuse and Male Offenders 240

 Substance Abuse and Female Offenders 240

 Substance Abuse and Older Adults 241

The Role of Animal Cruelty 241

Police Officers Who Batter 243

Military Personnel 245

 Military Offenders 245

 Reporting Options 247

Abusive Men 249

 Male Perpetrators of Marital Rape 251

 Male Perpetrators of Dating Violence 251

Abusive Women 252

 Female Perpetrators of Physical Dating Violence 253

Offenders Against Older Adults 253

 Offender Characteristics 254

 Perpetrators of Sexual Abuse Against Older Adults 255

 Abuse Against Older Adults Treatment Program 256

Conclusions 256

Simply Scenario 256 • *Questions for Review* 257 •

Internet-Based Exercises 257 • *References* 257

Chapter 11 THE POLICE RESPONSE TO INTIMATE PARTNER VIOLENCE 261

Chapter Objectives 261

Key Terms 261

Introduction 261

Criminalization of Intimate Partner Violence 262

The Role of Police 263

 The Effect of Arrest on IPV 264

Police Officer Training 265

 Specialized Domestic Violence
 Response Units 266

Arrest Procedures 267

Proarrest and Mandatory Arrest Policies	268
Primary Aggressor Determination	270
<i>How Do Police Get Involved?</i>	272
At the Scene	272
<i>To Arrest or Not to Arrest: That Is the Question!</i>	274
Civil Protection Codes	274
Mental Health Codes	274
Use of Available Resources	275
<i>What About Probable Cause?</i>	275
<i>Search and Seizure</i>	276
Exceptions to the Warrant Requirement	277
What Police Look For	278
<i>Interviewing</i>	279
Interviewing the Older Adult Victim	280
<i>Interrogation of Suspects</i>	281
<i>Victim Protections</i>	281
Orders of Protection	281
Gun Control	282
<i>IPV Across State Lines</i>	283
Full Faith and Credit	284
<i>Myth and Reality</i>	285
<i>Conclusions</i>	286
<i>Simply Scenario</i>	286 • <i>Questions for Review</i> 287 •
<i>Internet-Based Exercises</i>	287 • <i>References</i> 287

Chapter 12 STALKING AND HOMICIDE 289

<i>Chapter Objectives</i>	289
<i>Key Terms</i>	289
<i>Introduction</i>	289
<i>Stalking</i>	290
<i>What Is Stalking?</i>	290
Stalking Behaviors	291
<i>Victims of Stalking</i>	295
Safety Precautions for Stalking Victims	296
Threat Assessment	296
<i>Perpetrators of Stalking</i>	297
Characteristics of Perpetrators	297
<i>Stalking Laws</i>	299
<i>Investigative Strategies</i>	302

<i>Categories of Homicide</i>	305
Justifiable Homicide	306
Excusable Homicide	306
Felonious Homicide	308
<i>Intimate Partner Homicide</i>	308
<i>Intimate Partner Homicide Victims</i>	309
Risk Factors in Homicide	310
<i>Intimate Partner Homicide Defendants</i>	311
<i>Homicide-Suicide</i>	311
Familiicide	312
<i>Gay and Lesbian Partner Homicide</i>	312
<i>Homicide in Later Life</i>	313
<i>Investigative Strategies</i>	314
Death Review Teams	317
<i>Conclusions</i>	317
<i>Simply Scenario</i>	318
• <i>Questions for Review</i>	318
• <i>Internet-Based Exercises</i>	318
• <i>References</i>	319

Chapter 13 THE COURT RESPONSE TO INTIMATE PARTNER VIOLENCE 321

<i>Chapter Objectives</i>	321
<i>Key Terms</i>	321
<i>Introduction</i>	321
<i>Advocate Roles</i>	322
Domestic Violence Advocates	323
Victim Privacy Protections	323
<i>The Role of the Courts</i>	325
Prosecution Outcomes	326
Specialized Prosecution Units	328
Does Prosecution of Offenders Deter Re-abuse?	328
<i>Court Jurisdiction</i>	328
Federal versus State Jurisdiction	331
Civil versus Criminal Court in the State System	331
<i>The Role of the Judge</i>	333
Specialized Domestic Violence Courts	334
Integrated Domestic Violence Courts	335
<i>Civil Protection Orders</i>	336
Protection Order Criteria	337
Elements of a Petition	338

Forms of Available Relief	339
Limitations of Protection Orders	342
Enforcement of Restraining Orders	342
<i>Gay and Lesbian Victims of Intimate Partner Violence</i>	343
<i>Batterer Intervention Programs</i>	344
Specialized Batterer Intervention	344
<i>Program Procedures for Male Perpetrators</i>	346
Intake and Assessment	346
Orientation	346
Victim Orientation	346
Program	346
Ending the Program	347
<i>Program Procedures for Female Perpetrators</i>	347
<i>Can Program Interventions Stop Battering?</i>	348
<i>Conclusions</i>	348
<i>Simply Scenario</i>	349 •
<i>Questions for Review</i>	349 •
<i>Internet-Based Exercises</i>	349 •
<i>References</i>	350

PREFACE

NEW TO THIS EDITION

- NEW chapter objectives are included at the beginning of each chapter. Scenarios and questions for assessment of learning objectives will be found at the end of each chapter.
- NEW countries have been included in the Global Violence Against Women chapter to provide cultural currency and relevance.
- A NEW chapter entitled “Focus on Research and Theory” provides a perspective on the relationship of research to family violence enforcement policies and legal policies. Important case histories and legal challenges are highlighted. Of particular importance is the emphasis on the major sources of data for student research. The National Incident-Based Reporting System (NIBRS) and its predecessor, the Uniform Crime Reports (UCR), are examined for their relationship to the National Crime Victimization Survey (NCVS).
- All of the chapters have been updated and revised extensively.
- All links to Internet research at the end of each chapter have been tested and updated for currency.
- Updated Questions for Review and PowerPoints are available for this fifth edition.

It has been over a decade since the first edition of *Heavy Hands* was published. The first edition was called “groundbreaking.” It was the first text for a course not then taught in college classrooms. This classic has been tried and found true for hundreds of courses. It is used in the United States and abroad. Over a decade later, *Heavy Hands* has grown up and kept pace with the fast-changing field of family violence.

There have been so many important changes in family violence practice, policy, and research. We have seen its criminalization and the resulting controversy. Domestic violence protection orders are now a common source of protection for the survivors of intimate partner violence. Offenders are routinely referred to batterer treatment programs. We now recognize that abuse in later life may come from a spouse or close family member and not merely from stressed caregivers. Child abuse has gained recognition as an important criminal justice and police investigation focus. Rates of intimate partner violence and homicide have declined. Violence against males, gay, and lesbian populations is now acknowledged. No longer is there an expectation for the one-size-fits-all response. Things have changed.

Criminal justice has evolved as a profession that values higher education and research. This fifth edition has evolved as well. It includes current information on numerous topics of interest within the field of family violence. While it cannot cover everything, this text provides all of the essential information for a course on family violence. It is comprehensive, yet easy to understand. The text has been reorganized so that each chapter stands alone, as part of the larger issue of family violence. For example, all information concerning child abuse will be found in one of the two chapters on that topic. Juvenile and adult offenders are treated in separate chapters. The police and court responses are each treated separately as well. This should allow students and instructors to more easily find the information of interest to them. Each chapter ends with a practical scenario that poses a question for students to consider. The answer will be provided within that chapter. This will allow students to test their knowledge through a real-life situation.

Reviews from students and instructors have praised past sections on global domestic violence. In response, a chapter devoted entirely to *violence against women around the world* has developed. The historical chapter was expanded to include contemporary definitions and the status of family violence today. Requests for information on criminal justice research and methods have been answered in the third chapter. Coverage of intimate partner violence now has an emphasis on social and structural diversity. Response to abuse by military personnel and police officers is covered, in addition to rates of violence among racial and ethnic minorities. Along with a chapter on same-gender intimate partner violence, students will be faced with confronting their biases regarding ethnicity and gender. Cultural competence is high on the agenda for the future of criminal justice professionals.

Shortly after graduation from the Massachusetts State Police Academy in 1980, I was forced to confront my own bias regarding domestic violence. Impressed with my accomplishments, the call for service was a rude awakening. To this day I remember the gut-wrenching feeling when going through the front door of that home. I did not have a clue about what should be done. The victim was a man, over six feet tall. He had just announced that he was moving out and his girlfriend didn't want him to leave. When he was on the phone with the police, she had grabbed the phone and struck him over the head with it. Blood was everywhere, and he required numerous stitches. Afterward, I returned him to the house and counseled them both. The resolution never seemed quite right!

Fortunately, the movement to intervene in family violence had begun, and I became a part of that change. W. Michael Ryan, the Northwestern District Attorney, was instrumental in developing my interest in domestic abuse. I owe him a debt of gratitude for the training and support that his office supplied while I was a detective assigned to his organization. We developed the first multidisciplinary team in Massachusetts to screen and investigate child abuse allegations. Struggling through the new legislation on mandated reporting, the office was inundated with complaints of sexual and physical abuse. Working together with the Department of Social Sciences, prosecutors, physicians, victim witnesses, and mental health agencies, an increase in successful prosecution was accomplished.

Our success was due in part to the aggressive investigation of family violence. It was treated like any other major crime. Child victim statements were routinely videotaped to assure the defense of their accuracy. Adult victims were treated equally and with respect regardless of their sexual orientation, gender, race, or the makeup of the offender. Evidence to corroborate the statement was collected through search warrants whenever possible. Perpetrators were arrested and prosecuted only after a thorough investigation. Interviews and interrogations were the norm in every case.

After 12 years on the state police force I became an educator at Western New England University in Springfield, Massachusetts. My passion to understand the dynamics of family violence and the role of criminal justice led me to develop a course on domestic violence in 1992. It has been offered numerous times since then, with revisions each time, and has grown into a course on family violence. My approach is sociolegal, with a leaning toward the criminal justice perspective. This course is now a permanent course offering at our institution, and it has been cross-referenced and may be taken at the undergraduate level as a criminal justice or sociology course. There is so much to learn about family violence that this text provides only a comprehensive beginning to the study of this topic. It includes information on all forms of family violence.

The text is designed to follow in content the course that I have offered over the years. It is meant to assist both educators with no field experience and those with professional backgrounds to meld the theory and practice of domestic violence for students

of the social sciences. It is meant to tear down myths about both victims and offenders. It shows how both women and men have been victimized. Older adults and children are presented as both perpetrators and victims as well. Heterosexuals and homosexuals can both be violent; dating relationships can be dangerous. To leave anyone out is to ignore the pain and suffering that domestic violence brings.

Students of criminal justice tire quickly when hearing about the mistakes of the profession. Therefore, I wrote this text with an eye toward the future, without dwelling on the past. It is my desire that crimes of domestic violence be identified and the consequences understood. As much as possible, the perpetrators are characterized and victimization is illustrated. My purpose is to provide a positive and instructive text from the criminal justice perspective, bringing together the causes and consequences of family violence and the criminal justice response.

More human misery has been caused by family and domestic relationships than all of the wars in history combined. The very nature of these relationships dictates that they will be imperfect, fluctuate, and perhaps end. Yet it is not the unhappiness caused by a failed or flawed relationship that we find egregious. What is unacceptable is when one human being purposely inflicts pain upon another and does so by design. This is when the inevitable human discord crosses the line into abuse, and one party chooses to apply a heavy hand to the other. It does not matter one bit whether the abuse takes the form of physical, emotional, or sexual violence. This type of act is such that it can be and is being regulated by recently enacted laws in countries that are advanced in areas of public policy and criminal law enforcement. It is the wave of the future. More laws will follow; more countries will follow; more of us will agree. Heavy hands are wrong!

INSTRUCTOR'S SUPPLEMENTS

To access the following supplementary materials online, instructors need to request an instructor access code at www.pearsonhighered.com/irc. Within 48 hours after registering, you will receive a confirmation e-mail that includes an instructor access code. When you receive your code, go to the site and log on for full instructions on downloading materials you wish to use.

- Instructor's Resource Manual and Test Bank
- PowerPoint Presentation
- MyTest Test Bank

ACKNOWLEDGMENTS

Thank you to the many victims who have confided in me about atrocities too horrible to recount. I STILL remember you. You taught me the value of dignity and the importance of equal enforcement of the law. To the women, men, boys, and girls who have suffered from domestic crimes, I marvel at your resilience and applaud your survival.

Austin Provost of Western New England University contributed to the end-of-chapter questions for the fifth edition. In the third edition, Melissa Kliesch and Jeffrey Huguenor assisted. I owe a debt of gratitude to Kathy Arenstam, whose contribution in the first edition provided consistency. Thank you, Danielle D. McIntosh, for the research on elder law. To my friends and colleagues at Western New England University, who encouraged my efforts, thank you. In particular, Professor Janet Bowdan, whose reading and editing on the first edition was invaluable.

ABOUT THE AUTHOR



A pioneer in law enforcement, Denise Kindschi Gosselin became the first uniformed female officer for her hometown, Lunenburg, Massachusetts, and the first female campus police officer at the community college she had attended. The Massachusetts Senate honored her in 1978 as the first woman appointed constable for the City of Fitchburg. In 1979 she was named an Outstanding Young Woman of America. The Northeastern Association of Criminal Justice Sciences presented her with the Emerging Scholar Award in 2008 and the Gerhard O. W. Mueller Innovator

Award in 2012 for significant contributions to the field of criminal justice. In 2010 she was named as an Outstanding Alumni of Mount Wachusett Community College.

Gosselin graduated in the 61st Recruit Training Troop of the Massachusetts State Police in January 1980 as a trooper. During the years that followed, she served as a uniformed officer performing route patrol activities, as an instructor at the Massachusetts State Police Academy, and as a major crime detective. Recognized as a local expert in child abuse investigation, she spoke on cable television and on radio. She and Trooper John Gibbons appeared on *America's Most Wanted* when John Walsh presented their fugitive case on the show. Additionally, she has made many presentations at professional meetings with the Department of Social Services, Department of Mental Health, and for the Office of the District Attorney. Trooper Gosselin has testified on numerous major crime cases, both in criminal court and in civil hearings. She retired from the Massachusetts State Police in 2002.

Like many police officers, her education was fragmented, interrupted over the years by demanding work and family responsibilities. Gosselin holds an associate degree in Science in Law Enforcement from Mount Wachusett Community College; her bachelor and master's degrees in Criminal Justice were awarded from Westfield State University. At the University of Massachusetts, she studied at the doctoral level in the political science department. She was awarded a scholarship to attend the first Child Abuse and Exploitation Investigative Techniques Training Program at the Federal Law Enforcement Training Center. The author has additional training in homicide investigation, rape, search and seizure, and stalking. In 1995, she studied at the International Institute for the Sociology of Law in Onati, Spain. She obtained her doctorate from Capella University.

From 1991 to the present, the author has lectured at Greenfield Community College, Holyoke Community College, and Westfield State University as an adjunct professor. She presently serves as an Associate Professor and Chair of the Criminal Justice and Sociology Department in the College of Arts and Sciences at Western New England University in Springfield, Massachusetts.

Her research efforts have concentrated on domestic violence, juvenile law, and interviewing/interrogation. She developed the curriculum for courses in domestic violence and interviewing/interrogation that have been made permanent course offerings at Western New England University. Gosselin taught a course in domestic abuse for the 74th Massachusetts State Police Recruit Training Troop. Additionally, she has authored *Smart Talk: Contemporary Interrogation and Interviewing*, and is a contributing author to *Women, Law, and Social Control* (2nd ed.), *Policing and Victims*, the *Encyclopedia of Juvenile Justice*, the *Encyclopedia of Domestic Violence*, and *The Encyclopedia of Police Science* (3rd ed.).

This page intentionally left blank

Global Violence Against Women

CHAPTER OBJECTIVES

After reviewing this chapter, you should be able to:

1. Define the term *violence against women*.
2. Explain the most common form of violence that women around the world experience.
3. Discuss specific forms of violence occurring globally.
4. Differentiate between female foeticide and femicide.

KEY TERMS

Bride-burning

Dowry

Female genital mutilation

Female foeticide

Femicide

Honor killing

Violence against women

INTRODUCTION

Even without an exact count of the numbers of victims, it easily can be said that family violence affects millions of women, men, and children across the United States and around the world. It is not simply a problem for the family experiencing the violence, but as you will note throughout this text, it is a crisis that will affect us all. How we respond depends on the nature of the violence as well as the cultural, economic, social, and political contexts. The consequences of this violence affect society as a whole, the community, and its children. Additional costs beyond the human toll include lowered economic production as well as political and social instability through intergenerational transmission of violence.

Women are the most frequent targets of intimate partner violence, a major form of violence against women (refer to the photo in Figure 1-1). This first chapter looks at the larger picture of violence against women to prepare students for the subsequent chapters on violence in the family. This chapter outlines the prevalence of violence against women in 15 countries around the world; most of the violence occurs behind closed doors at the hands of an intimate partner. From this chapter, it is possible to understand the current global concern over the treatment of women within the home and outside. Later in this text, various



FIGURE 1-1 Eliminating violence against women begins with an examination of patriarchal attitudes. Jason Stitt/Shutterstock

forms of violence will be defined, along with response options available in the United States. Theoretical explanations are included. An in-depth examination of the criminal justice response to family violence will follow.

The United Nations (UN) Secretary-General's in-depth study on all forms of violence against women reported that the most common form of violence that women experience globally is intimate partner violence, commonly referred to as spousal abuse (UN, 2006). Violence against women within families is a pervasive and long-standing problem, although it was not considered as such until quite recently. Violence against women is recognized as a global crisis of staggering proportion.

VIOLENCE AGAINST WOMEN: A GLOBAL CONCERN

No comprehensive summary records the magnitude of violence against women internationally. It is a global epidemic, and women are not safe from violence in any country of the world. Acts of violence include threats of violence, coercion, or arbitrary

deprivation of liberty, whether occurring in public or private life. Accordingly, **violence against women** includes but is not limited to the following:

- Physical, sexual, and psychological violence occurring in the family, including battering, sexual abuse of children in the household, dowry-related violence, marital rape, female genital mutilation (FGM), and other traditional practices harmful to women, nonspousal violence, and violence related to exploitation.
- Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work and educational institutions and elsewhere, trafficking in women, and forced prostitution.
- Physical, sexual, and psychological violence perpetrated or condoned by the state, wherever it occurs.

Advocates recognize that the violence against women in the United States affects a staggering one in four American women. The rates are even more astounding for women and girls globally. Out of 10 countries surveyed in a 2005 study by the World Health Organization (WHO), more than 50 percent of women in Bangladesh, Ethiopia, Peru, and Tanzania reported having been subjected to physical or sexual violence by intimate partners, with figures reaching a staggering 71 percent in rural Ethiopia (García-Moreno, Jansen, Ellsberg, Heise, & Watts, 2005). Only in one country (Japan) did less than 20 percent of women report incidents of intimate partner violence. Among women ages 15 to 44, violence against women accounts for more death and disability than cancer, malaria, traffic injuries, and war put together. An earlier WHO study put the number of women physically abused by their partners or ex-partners at 30 percent in the United Kingdom and 22 percent in the United States. The Council of Europe has stated that intimate partner violence is the major cause of death and disability for women ages 16 to 44 in Europe—more than cancer or traffic accidents (Love, 2005).

The United States is committed to combating violence against women around the world. In 2012, the United States released its first ever strategy to prevent and respond to gender-based violence globally (U.S. Department of State, 2012a). Efforts to raise the status of women and girls around the world are the cornerstone of the government's commitment to preventing and responding to gender-based violence. The strategy outlines four key objectives: to increase coordination of gender-based violence prevention and response efforts among U.S. government agencies and with other stakeholders; to enhance integration of gender-based violence prevention and response efforts into existing U.S. government work; to improve collection, analysis, and use of data and research to enhance gender-based violence prevention and response efforts; and to enhance or expand U.S. government programming that addresses gender-based violence.

Included in this heightened effort is the integration of gender-based violence prevention for police and military training outside of the United States. For example, the U.S. Police Training and Advisory Team, assisted by four interpreters, teaches practical, hands-on training to Afghanistan police trainees in the spirit of our leadership role. Refer to the illustration in Figure 1-2 (Myers, 2008). During the training, police officers learn to investigate intimate partner violence in addition to techniques for traffic accident investigation, weapons familiarization, vehicle searches, community policing, explosives detection, the penal code, baton training, handcuffing, and a variety of other law-enforcement skills.



FIGURE 1-2 Navy Petty Officer 2nd Class Jovener R. Mironchik of the Kunar Provincial Reconstruction Team gets handcuffed while Navy Seaman Brian L. Boyd Jr. watches during a training session with Afghan National Auxiliary Police students at the Kunar PRT's training facility near Asadabad, Afghanistan. Photo courtesy of U.S. Navy Permissions Department, Academix Publishing

The International Violence Against Women Act (I-VAWA) (S.2982, HR. 4594) was introduced by the 110th United States Congress to ensure that violence against women is included in the nation's foreign policy, with best practices for preventing violence, protecting victims, and prosecuting offenders. The bill did not pass and was reintroduced by the 111th and 112th Congresses (Amnesty International, 2013). Advocates are hopeful of its passing in the near future. I-VAWA would permanently authorize the Office of Global Women's Issues in the Department of State; its measures would include supporting health, legal, economic, social, and humanitarian assistance to female victims of violence in key countries around the world.

THE UNITED NATIONS

The UN leads the effort to protect vulnerable women and girls worldwide. The UN General Assembly adopted the Declaration on the Elimination of Violence against Women in 1993. This declaration emphasizes that violence against women is a violation of human rights and recommends strategies to be employed by member states and specialized agencies to eliminate it. The UN's Fourth World Conference on Women took place in Beijing in 1995. Highlighting the problems of violence against women, the conference signified a worldwide effort toward ending intimate partner violence.

The active movement by the UN toward eliminating female violence has prompted action toward that goal. The UN Development Fund for Women (UNIFEM) was created to provide financial and technical assistance for innovative programs and

More About It: Female Genital Mutilation

The term *female genital mutilation* (FGM) refers to all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for nonmedical reasons. Almost exclusively, the term is used to describe a procedure for which parents must give consent due to the age of the minor. The practice is harmful to women and girls in many ways. In addition to the pain involved, the procedure interferes with

normal functioning of the body and causes several immediate and long-term health consequences. FGM has been reported to occur in all parts of the world. More than 90 percent of women ages 15 to 49 have been cut in Djibouti, Egypt, Guinea, and Somalia (UNICEF, 2013). Prevalence of FGM/C among women ages 15 to 49 varies widely, from 98 percent in Somalia, to 1 percent in Cameroon, Uganda, and Zambia.

strategies that promote women's human rights, political participation, and economic security. UNIFEM promotes gender equality and links women's issues and concerns to national, regional, and global agendas by fostering collaboration and providing technical expertise on gender mainstreaming and women's empowerment strategies. As a result of UNIFEM-supported training, police throughout Cambodia work more closely with village chiefs, and men who exhibit violence toward their wives are required to sign a contract stating they will discontinue their threatening behavior. The contract is used as evidence against the man in court if violent behavior continues.

In December 2012, the UN General Assembly accepted a resolution on the elimination of female genital mutilation (World Health Organization [WHO], 2013). **Female genital mutilation** (FGM) includes procedures that intentionally alter or cause injury to the female genital organs of girls and women for nonmedical reasons without any health benefits. Procedures that typically occur between infancy and age 15 cause severe bleeding and problems urinating, and later cysts, infections, infertility, as well as complications in childbirth and increased risk of newborn deaths. According to WHO (2013), about 140 million girls and women worldwide are currently living with the consequences of FGM; approximately 101 million are in Africa alone.

One initiative that resulted from the 1995 UN Fourth World Conference on Women in Beijing was the formation of WAVE (Women Against Violence Europe). National membership of WAVE now stands at 46 countries and over 4,000 women's help organizations. Operating from its office in Vienna, Austria, the organization participates in the UN study on violence against women and other research projects. In addition to collecting and disseminating data on violence against women and children, it manages the European Info Centre Against Violence, acting as a point of contact between organizations that aid women in Europe.

VIOLENCE AGAINST WOMEN: AROUND THE WORLD

A legal analysis by the American Bar Association reveals that European countries have initiated legislative reforms in order to prevent intimate partner violence (Crohn, 2007). Two common points of law are recognized in the study:

1. All acts of intimate partner violence are recognized as crimes and fall under the provisions of the penal code. However, only two European countries—Spain and Sweden—criminalize intimate partner violence acts as specific offenses, whereas in other countries such as the United Kingdom, Germany, Austria, Belgium,

Bulgaria, and Turkey, a relationship between the victim and the abuser aggravates the offense. In France, such a relationship can be either an aggravating factor or an element of the offense.

2. Victims are allowed to request measures of protection from the state. Such measures vary from financial assistance to the victim in Sweden, to restraining orders issued against the abuser in the United Kingdom and Austria. In Canada, the violation of a restraining order can be an aggravating circumstance.

According to the Report of the Secretary-General of the UN in 2006, 89 states have some form of legislative prohibition on intimate partner violence, including 60 with specific intimate partner violence laws, and a growing number of countries have instituted national plans of action to end violence against women (UN, 2006). This is a clear increase in comparison to 2003, when UNIFEM did a scan of antiviolence legislation and found that only 45 countries had specific laws on intimate partner violence. There are still 102 states that have no specific legal provisions against intimate partner violence. For cases of marital rape, the study found that perpetrators may be prosecuted in at least 104 states, and 90 states have some form of legislative provision against sexual harassment. Marital rape is not a prosecutable offense in at least 53 states. Only 93 states (of 191 reviewed) have some legislative provision prohibiting trafficking in human beings. In many places, laws contain loopholes that allow perpetrators to act with impunity. In a number of countries, a rapist can go free under the penal code if he marries the victim.

Afghanistan

Considerable legal reforms have been made in recent years in Afghanistan, despite the reality of life for women there. The Constitution of the Islamic Republic of Afghanistan (2004) and the ratification of the Elimination of Violence against Women (EVAW) law in 2009 are touted as major achievements toward defining violence as a major crime and for the advancement of human rights, including women's rights (Hasrat & Pfeifferle, 2012). No formal reporting on intimate partner violence occurs in Afghanistan; therefore, prevalence rates are nonexistent. Amnesty International's research indicates that country custom or tradition is used to legitimize the violent deaths and injury of women by family members.

Violence against women in Afghanistan is a dramatic problem that includes forced child marriages, physical and sexual abuse, public execution, and girls burning themselves to death out of despair due to impunity for abusers. Economic abuses in addition to practices such as forced divorce, high dowry requirements, denial of education, and expulsion from home make the country unique in its cruel treatment of women. The victim's own husband commits 70 percent of all violent acts against women in

In the News: Honor Killings: When the Ancient and the Modern Collide

According to a story in the *San Francisco Chronicle* (Stillwell, 2008), throughout the United States, Canada, and Europe, young Muslim women are being targeted for violence. It might be thought that hate crimes are to blame, but it is, in fact, their own relatives who are the

perpetrators. While statistics are notoriously hard to come by due to the private nature of such crimes and the fact that very few are reported, the UN Population Fund approximates that as many as 5,000 women are murdered in honor killings each year worldwide.

Afghanistan (Hasrat & Pfefferle, 2012). Approximately 10 percent of violence against women is committed by strangers; an additional 20 percent is perpetrated by other family members of the victim, including parents, brothers, mothers, sisters, sons, and in-laws.

Honor killing is the traditional practice in which men kill a female relative who is believed to have brought dishonor upon the family or community for forced or suspected sexual activity outside marriage. While fathers are commonly responsible for honor killings, they often act in concert with their daughters' brothers, uncles, and even female relatives. Infringements upon a Muslim daughter's "honor" constitute the greatest humiliation possible to the religious and tribal tradition from which many such immigrant families emerged. Acts that demand "punishment" include refusing to wear a hijab (or headscarf), having non-Muslim boyfriends or male friends of any origin, being sexually active, rejecting arranged marriages, aggressively seeking employment and education, and, more than anything else, attempting to assimilate into Western culture.

Amnesty International reports alarming numbers of Afghan women and girls attempting suicide by dousing themselves with gasoline and setting themselves on fire (Amnesty International, 2005). Some have died while others suffer horrific burns for life. From 2003 to 2004, the over 380 such cases were documented, some of which were attempted suicides and others that actually resulted in death. Eighty percent are attributed to family violence, but it is not clear whether family members are setting the women on fire or whether the victims have committed the act independently. The overwhelming majority of the victims who survive suicide report that they had attempted to kill themselves as a result of violence in the family.

Australia

The Western Australian Police responded to 30,933 incidents of family and domestic violence over a 12-month period between 2008 and 2009 (Western Australia, 2013). In the other states and territories of Australia, approximately 22,000 female victims of assault identified a family member as the offender during 2011, according to the Australian National Crime Victimization Survey (Linacre, 2012). The Northern Territory of Australia had the largest proportion of female victims identifying the offender as a family member (62 percent). In New South Wales, 49 percent of female victims identified the offender as a family member; in South Australia, 44 percent of female victims; and in the Australian Capital Territory, 43 percent of victims. Similarly in the United States, women are more likely than men to be assaulted by a partner or family member than by a stranger.

Relationship information for homicides is incomplete for some of the states and territories of Australia and therefore does not represent the entire nation. According to the Australian Personal Safety Survey, 17 people lost their lives in Western Australia as a direct result of family and domestic violence from May 2008 to April 2009 (Western Australia, 2013). The Australian National Crime Victimization Survey reveals that the victims were killed by a partner in 6.9 percent to 17.0 percent of all homicides (Linacre, 2012). Similarly to the United States, Australian homicide victims are predominately male and typically know the offender.

In response to the problems of family violence, a number of legislative changes that affect the police response in Australia have occurred (Australian Government

Solicitor [AGS], 2009). The legislative changes give stronger powers to police, assigning officers a legal obligation to investigate if they have a reasonable suspicion that an act of family and intimate partner violence has occurred. Police are now allowed to enter and search premises without a warrant (but with the approval of a senior officer at the level of Inspector or above) for the purposes of establishing whether intimate partner violence has occurred, and to provide protection.

Police may now remain on the premises for as long as necessary to investigate or ensure the safety of a person. Under the legislation, if police investigate or enter a premise, they must either take action (apply for a VRO or make a police order) or write a report explaining why no action was taken. Police are also now able to issue on-the-spot police orders. These orders can last for 24 hours without victim consent or up to 72 hours with victim consent. A police order can effectively remove from a residence a person suspected of posing a risk to another, without the requirement of evidence to lay charges. Police orders are particularly useful to police if they do not have sufficient evidence to charge a person but recognize that there is a serious risk of the escalation of violence if suspected perpetrators (who are most commonly male) are left in close proximity to their partners.

The police in Australia recognize and respond to a diverse population. Speaking over 200 languages, the Australian Aboriginal people are made up of 700 traditional societies living in Western Australia alone (Western Australia, 2013). Aboriginal women are overrepresented as victims of violence. In 2011, Aboriginal and Torres Strait Islanders in the Northern Territory, Queensland, and South Australia were victims of sexual assault at up to four times the rate of nonindigenous persons (Linacre, 2012).

Culturally sensitive responses to the family violence experienced by indigenous people have led to a balanced approach focusing on prevention, protection, and provision. Intervention models appropriate to indigenous communities include a preference for “cooling off” rather than criminalization. Suspicion of first response agencies such as women’s refuges, welfare, and police services is common. Cultural appropriateness of services attempts to reduce the unease about using the criminal justice approach. Appropriate intervention designed to improve access to legal services for indigenous women is accomplished through the *Aboriginal Family Violence Prevention Legal Services* in Australia.

Canada

Similar to that in other countries, violence against women is a persistent and ongoing problem in Canada. The Canadian Criminal Code has no specific offense of violence against women or spousal assault. Code provisions that most commonly apply to cases of violence against women include the offenses of assault, sexual assault, criminal harassment, threats of violence, forcible confinement, and homicide. *Measuring Violence Against Women: Statistical Trends* reveals the following information on family violence in Canada (Sinha, 2013):

- The rate of spousal homicide has declined in recent years for both women and men, and survey data suggest that the severity of nonlethal assaults against women has also declined.
- Perpetrators of six in ten spousal homicides against women have had a history of family violence.

- Rates of sexual assault increased in 2010 and remained stable in 2011.
- Women are more likely than men to be the victims of the most severe forms of intimate partner assault, as well as intimate partner homicide, sexual assault, and criminal harassment (stalking).
- Common assaults account for about half of all police-reported violent crimes against women. They were followed by uttering threats, which represented another 13 percent; serious physical assaults, 10 percent; sexual assaults involving little to no physical injury, 7 percent; and stalking, 7 percent.
- The economic costs of violence against women and men to victims and society in health, criminal justice, social services, and lost productivity are estimated to be about 7 billion dollars.
- Between 2001 and 2011, there were 26 female and 36 male infants killed per million in the population.

India

Violence against women in this country takes on an added twist because of “dowry death,” a form of intimate partner violence practiced due to an inadequate dowry. Although the practice of insisting on a dowry is strictly forbidden by law, it is still a common practice (Asian Centre for Human Rights [ACHR], 2012). According to the New Delhi Supreme Court, **dowry** is payment of money or articles during, before, or after marriage by the girl’s parent to her in-laws; the cash and presents given must be linked to the actual marriage in order to be considered illegal dowry (Mahapatra, 2008). More than 6,000 women are killed each year because their in-laws consider their dowries inadequate; bride burning is an example of dowry death that is practiced. In **bride-burning** cases, it is alleged that a man, or his family, douses his wife with kerosene, gasoline, or other flammable liquid, and sets the woman on fire, leading to her death. Between 2008 and 2010, over 24,946 dowry deaths were reported in violation of the Dowry Prohibition Act of 1961 (ACHR, 2012).

In a country where hundreds and perhaps thousands of newborn girls are murdered each year simply because they are female, little value is given to adult women. A British medical journal reported in early 2006 that up to 10 million female fetuses had been aborted in India over the past 20 years and about 500,000 female fetuses continue to be aborted annually (Jha, 2006). This practice of **female foeticide** is **the act of aborting a fetus because it is female**. In 2008, the Indian prime minister described the widespread practice of aborting female fetuses as a “national shame,” calling for stricter enforcement of laws devised to prevent doctors from helping parents to avoid the birth of unwanted daughters (Gentleman, 2008). According to the provisional census of 2011, the sex ratio (the number of females per 1,000 males) continues to fall. For the 0 to 6 age group, the ratio dropped to 914 from 927 in the 2011 census (ACHR, 2012).

India has been proactive in passing laws to protect women from intimate partner violence. A major problem is that these laws are often in conflict with social practices and seldom enforced (ACHR, 2012). In 1983, intimate partner violence was first recognized as a specific criminal offense by the introduction of Section 498-A into the Indian Penal Code and has been revised since. This section deals with cruelty by a husband or his family toward a married woman. The punishment is imprisonment for up to three years and a fine. The complaint against cruelty does not have to be lodged by