Public Policy and Domestic Violence
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Abstract

The purpose of this paper is to examine Public Policy as it relates to Domestic Violence. Throughout this paper I will argue the subject of Domestic Violence as it pertains to Public Policy and the variation of accounts as the pertain to race and different recorded incidents of Domestic Violence in these particular environments. First, I will provide a statement of the problem that shows why it is significant. Second, I will provide examine the Castle Rock v. Gonzales case and raise the question of whether the Policy’s and environment in which these individuals live in relates to whether or not they have participated in Domestic Violence or have been a victim of it. Third, I will examine ways in which the legal systems and policies set in place have ultimately hindered the growth of individuals who have been victims of Domestic Violence. Last, I will address the significance of Domestic Violence and how one can overcome this terrible dilemma.
**Statement of the Problem**

Domestic Violence is also known as domestic abuse, spousal abuse, battering, family violence, and intimate partner violence, is defined as a pattern of abusive behaviors by one partner against another in an intimate relationship such as marriage, dating, family, or cohabitation. As a result, Public Policy in relation to Domestic Violence raises the question of whether or not strict enough laws have been enforced or even implemented in order to help or protect individuals against Domestic Violence.

**Theoretical Perspective**

While it is to be questioned that the public policies that are set in place in order for the protection and due process of Domestic violence are put into place it does not necessarily mean that they are put to use. Domestic violence as it relates to history show that majority of the cases that presented show a cycle of this particular reoccurring act of violence. ¹ Maybe the mother was physically harmed or assaulted and the daughter or maybe even son adopts those tendencies and bad habits and begins to experiment with these actions in which cases the reoccurring act of abuse. Unfortunately though physical pain is most related to Domestic Violence as a whole, individuals will never completely understand its relation to other acts in which are considered Domestic Violence just as well as the physical abuse. ²

Domestic violence, so defined, has many forms, including physical aggression or assault examples of that could be, hitting, kicking, biting, shoving, restraining, slapping, throwing objects, or threats thereof; sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse, and economic deprivation. ³ While you display all the aspects of what Domestic Violence is one must then research the policies in which are implemented to stop such actions from if not happening the consequences of the actions that had been afflicted upon. Whether or not documented cases in relation to this subject have gone undocumented there are still

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¹ 'I Must Get Out': The Geographies of Domestic Violence Molly Warrington Transactions of the Institute of British Geographers, New Series, Vol. 26, No. 3 (2001), pp. 365-382 Published by: Wiley-
such cases that have not been dealt with or even ignored in the cases of whether or not defendants will be able to get the protection that is needed in order to feel safe.⁴

Though this is a serious topic with new cases arising every day the feeling of not having the security and comfort of knowing that if this type of case is indeed pursued what the outcome will be. Will my troubled cries go unheard or will they be taken into account. The fear of one day having physical body harmed that is beyond repair should burn in the back of the people’s minds in which make up these laws in which give no real since of protection from their aggressor concluding them to either live with these conditions of violence or take matter into their own hands. On account more reports of undocumented cases of Domestic Violence go unrecorded because of lack of substance and creditability on behave of the victim.

Questions on whether or not victims have to be physically brutalized by these individuals to have justice and whether or not it remains in the best interest of the law to continue to deny the rights of citizens to be protected against criminals, without having the evidence or being physically harmed should be enough to gain protection.

Although many individuals do indeed get the type of restraints that are needed in order to feel a since of protection and comfort.

The Castle Rock v. Gonzales case, during divorce proceedings, Jessica Gonzales, who was a resident of Castle Rock, Colorado, wanted a restraining order against her husband on June 4, 1999, which she wanted him to remain at least 100 yards from her and their three daughters except during specified visitation time.⁵ But, On June 22, at around 5:15 pm, her husband took the three children in violation of the order. According to research, Jessica Gonzales called the police several times at around 7:30 pm, 8:30 pm, 10:10 pm, and 12:15 am on June 23, and visited the police station in person at 12:40 am on June 23, 1999.⁶ Jessica Gonzales filed suit in the United States District Court for the District of Colorado against Castle Rock, Colorado, its police department, and the three individual police officers with whom she had spoken under 42 U.S.C. 1983, claiming a Federally-protected property interest in enforcement of the restraining order and alleging "an official policy or custom of failing to respond

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⁴ Domestic Violence, Personal Control, and Gender Debra Umberson, Kristin Anderson, Jennifer Glick and Adam Shapiro Journal of Marriage and Family, Vol. 60, No. 2 (May, 1998), pp. 442-452
⁵ ACLU Disappointed with Supreme Court Ruling on Domestic Violence Orders of Protection
properly to complaints of restraining order violations. A motion to dismiss the case was granted, and Gonzales appealed to the 10th Circuit Court of Appeals. A panel of the United States Court of Appeals for the Tenth Circuit rejected Gonzales's substantive due process claim but found a procedural due process claim. The court also affirmed the finding that the three individual police officers had qualified immunity and as such could not be sued. Where the justice is the question that comes to mind when I review this case. As stated before this paper is written in reference to raising the question of awareness of statistics and accounts of violence in which are sadly one of the least accounted battery acts that happen to become unnoticed, undocumented and treated unfairly. Accounts that have happened over history whether it is detrimental to life or not have not caused the government to change policies that account to majority of these types of particular cases. In one of its final decisions of the 2004-2005 session, the U.S. Supreme Court ruled 7-2 that police cannot be sued for refusing to enforce a domestic violence restraining order. In the case of Town of Castle Rock, Colorado v. Jessica Gonzales, the Court declared that Gonzales had no rights to sue Castle Rock police for repeatedly refusing to enforce a restraining order against her ex-husband, Simon Gonzales, who also murdered all three of their daughters later that night.

The ruling of this case was so unfair; sadly it gives law enforcement a green light to ignore restraining orders, which will later on cause harm to abused victims who attempt to leave violent life-threatening environments. The Castle Rock police denied Jessica Gonzales and her three daughters the protection they deserved. Then the Supreme Court failed to protect her rights after her children were killed. The U.S. Congress must stand up for Jessica Gonzales and the thousands of women like her across the country by reauthorizing the Violence against Women Act and by adding increased enforcement authority. Because of cases in which individuals are not presented with the best accommodations that give alternatives in which stand on the grounds of proper laws set in place in order to defend the victim in regards to the violence that they settle for. Laws in which prohibit a victim from retaliating against their assailant in order to stay safe. According to law suspects are not considered a threat until an act has been made against a victim. Even then it is not always in the best interest of a victim to report these cases because of the legal structure of events in which follow.

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7 ^ IACHR report No. 80/11 case 12.626 merits Jessica Lenahan (Gonzales) et al. United States
10 Jessica Lenahan (Gonzales) v. United States, a case brought by the petitioner before the Inter-American Commission for Human Rights
According to research, The Cycle of Violence was first described by Lenore Walker in her 1979 work, The Battered Woman. This model gives an outstanding overview on the different dynamics that occur in violent or abusive relationships. The Cycle of Violence has been described as having three stages which are: the tension building stage; the violent episode; and the honeymoon stage. Each stage is defined by certain characteristics. During the tension building phase, the relationship is typified by increasing hostility and stress that may be accompanied by frequent arguments and perhaps limited violence. This stage may eventually escalate to a more serious incident of violent and/or abusive behavior. It is during this second phase that injury is most likely to occur. It is also at this time that the victim in an abusive relationship may seek some type of intervention or assistance. The violent episode is frequently followed by a third phase, often referred to as the honeymoon phase. This phase is characterized by remorse on the part of the perpetrator and hope for change on the part of the victim. In this cycle statistic shows that the majority of domestic violence victims are women; but men are also victims of domestic violence.

On average, a woman is beaten 9 times before she places the first call to police for help; only 7% of spousal assaults are reported to the police. Fifty-seven percent of women who are physically abused by their partners never tell anyone. Statistics commonly cited amongst reputable intimate partner violence programs. About 33 million or 15% of all U.S. adults, admit that they were a victim of intimate partner violence. Furthermore, 6 in 10 adults claim that

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11 http://www.singleparentmagazine.net/domestic-violence-it-has-to-stop-by-jessica-levine/
12 The Voices of Black and White Rural Battered Women in Domestic Violence Shelters April L. Few 
Family Relations , Vol. 54, No. 4 (Oct., 2005), pp. 488-500
13 Migration and Class as Constraints in Battered Women's Attempts to Escape Violence in Lima, Peru M. Cristina Alcalde 
Latin American Perspectives , Vol. 33, No. 6, Migration, the Global Economy, and Latin American Cities (Nov., 2006), pp. 147-164
they know someone personally who has experienced intimate partner violence.\textsuperscript{14} From research more than 16,500 adults, on average, 24 people per minute are victims of rape, physical violence, or stalking by an intimate partner in the United States. One in four women and one in seven men reported severe physical violence perpetrated by an intimate partner.\textsuperscript{15}

There are multiple forms of abuse when it comes to domestic violence. Economic abuse is when the partner has tight control over the couple's finances and oversees what money the victim may have or spend. The perpetrator may not allow the victim to work; may sabotage any efforts the victim makes to get or keep a job and may require that the victim relinquish all earnings to the abusive partner. Then you Coercion and Threats abuse which then the partner may threaten to harm the victim, victim's children, other family members or family pet. They may also force the victim to engage in acts against her/his will or threaten to turn the victim into the Immigration and Naturalization Service, the Internal Revenue service or some other government agency. Threats of suicide by the perpetrator are also very common. Emotional Abuse The partner may use emotional abuse to convince the victim that they are crazy or irrational, thus causing them to doubt their own beliefs, experiences or feelings. This emotional abuse can be use , in the form of name calling, constant criticism and insults, is much more serious than the occasional argument. To the contrary, the partner often continually humiliates and degrades her/his partner, to lower the victim's self-esteem. Intimidation is also a form of abuse it is when the perpetrator may try to intimidate the victim. This intimidation may occur through menacing looks or expressions, destroying property in front of the victim or by hurting or killing the family pets.

\textsuperscript{14} A Longitudinal Study of Battered Children of Battered Wives \textsuperscript{15} http://www.singleparentmagazine.net/domestic-violence-it-has-to-stop-by-jessica-levine/ \textsuperscript{16} http://m.guardian.co.tt/sites/default/files/field/image/domestic%20stats.png
Minimizing, Denying, Blaming is another form of abuse. In this case the partner is likely to minimize or even deny their actions even in cases where injury occurs. If the police were called, but did not make an arrest, the perpetrator may rely on their inaction to deny wrongdoing. Also, the abusive partner will often blame the victim for their violent behavior and all too often, the victim will accept at least some responsibility for the abuse perpetrated upon them. Another, the partner may display weapons in front of the victim to simply frightening her or him.

Isolation The perpetrator often tries to isolate the victim from friends and family members. The victim may not be allowed to leave home without permission and may be forbidden from making telephone calls. Eventually, the victim can become completely cut off from anyone who might be able to help her/him escape from the abuse. Using children is one of the most popular ones where a partner may use the child or children to maintain control over the victim of the abuse. The perpetrator may threaten to harm the children or to kidnap them and flee the jurisdiction. Also, the perpetrator may tell the victim that if they leave, they will have abandoned the children and will lose custody forever. The victim can also be made to feel guilty for breaking up the family if she/he leaves the situation.

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17 After He Hits HerJane H. Wolf-Smith and Ralph LaRossa Family Relations, Vol. 41, No. 3 (Jul., 1992), pp. 324-329
18 http://www.singleparentmagazine.net/domestic-violence-it-has-to-stop-by-jessica-levine/
19 http://www.singleparentmagazine.net/domestic-violence-it-has-to-stop-by-jessica-levine/
Conclusion

Leaving an abusive relationship does not guarantee an end to the abuse; rather, there is a big chance that the abuse can often escalate around the time of separation. Most of domestic violence murder-suicides occur after the victim has tried to leave the relationship. People continue to ask the question “why don't they just leave?” well from all the information given earlier it’s not easy for one to just get up and leave. But, Instead of asking why the victims will not leave, the real question that needs to be addressed, "why do people abuse and why is it allowed still?" Why haven’t there been a stop to domestic violence, where is the justice. How to prevent, stop, or even get out of an abusive relationship, here are some important facts. If one wants to get out of a domestic abuse relationship, one must leave the moment him or her become aware of the fact that they are being abused. Please don’t make any type of excuses, because there is no excuse for someone to hit you. The majority of the time there is no hope of the abuser changing so don’t stick around and expecting for some type of change. The longer you stay in the abusive relationship; the easier it is for the abuser to manipulate self-esteem and ability to ignore their tactics. No matter how you love someone being abused by them is not real love. Always value yourself first then the rest comes behind. By valuing yourself and knowing your worth’s you should never be a victim of domestic violence.
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