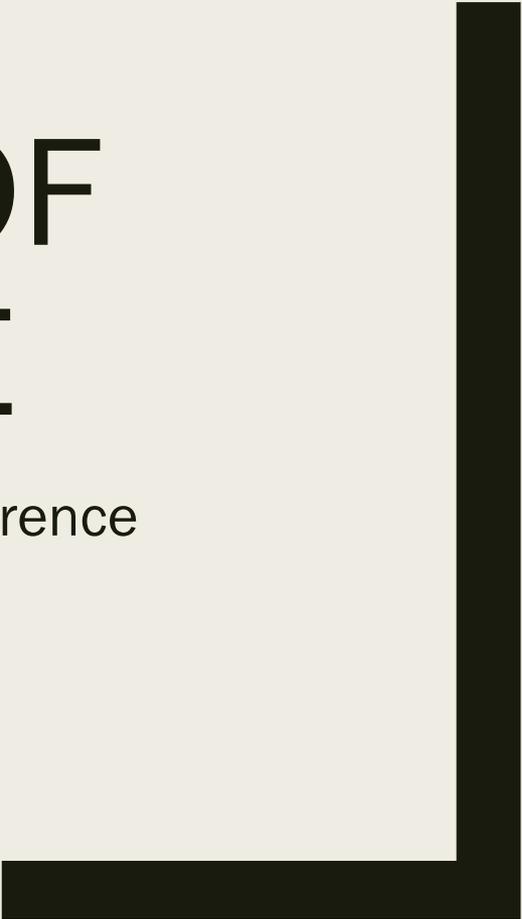




# CONTEXT OF VIOLENCE

Ohio Specialized Dockets Conference  
Columbus, Ohio  
October 12, 2018



# Context

- All incidents of intimate partner violence are **NOT** the same, not all battering
- Each incident occurs within a larger context
- Who is doing what to whom, with what intent and effect, and who needs protection from whom
- Knowing the context of the violence
  - *Clarifies what a person is experiencing*
  - *Helps to determine the level of risk and danger*
  - *Informs appropriate interventions and safety planning*

# Contextual Analysis

- Circumstances observed at the scene of an IPV incident are frequently misleading
  - *More than one involved party may have signs of injury*
  - *Both involved parties may have used violence*
  - *Participant account of events often conflict*
  - *One or more participants may have left prior to police arrival*
  - *Some injuries may take hours or days to visibly manifest*
  - *Involved accounts contradict visible injuries and evidence*
  - *Individual demeanor may be misinterpreted*

# Contextual Analysis

- Interveners need to recognize the choices IPV victims have when confronted by violence
- They can:
  - *Leave*
  - *Submit*
  - *Fight back*



# Why is Context Important?

- Risk: Level of risk and danger is associated with the history of the violence and the tactics used by the perpetrator
- Safety planning: Must take into account different forms of coercion or violence present in each situation
- Intervention: Effectiveness depends upon practitioners understanding the **context** in which the violence was used, focusing intervention efforts on the **appropriate party**, and **exceptional documentation**

*Misunderstandings about the context of the violence can have dangerous or even fatal consequences*

# Significance of Context

- Criminal justice interventions - proper arrests, prosecutions, sentencing
- Protection orders
- Assessing risk/lethality; safety planning
- Custody/visitation determinations: understanding the conduct of the parents or children
- Appropriate referrals and service provision
- Dispute resolution methods

*Failing to distinguish the proper context endangers victims, results in inappropriate responses, and emboldens perpetrators.*

# Context is Everything

- Offender's INTENT in his/her use of violence (especially coercion, intimidation)
- MEANING of the violence to the victim
- EFFECT of act on the victim, children  
(*especially entrapment*)
  - *Lethality and risk of further violence*
  - *Risk of coercion, threats, or intimidation of the victim and/or children*



# Contextual Analysis

- To determine the proper context of the violence, one must first examine the user's **intent** behind the violence
- The following factors should be used in determining intent:
  - *Weapon(s) used (weapon(s) of opportunity or choice)*
  - *Length of attack*
  - *Premeditated, pre-emptive, or reactionary*
  - *Circumstance surrounding or leading up to the attack*

# Contextual Analysis

- *Previous use of violence (against whom)*
- *Severity of attack*
- *Strength and size differential between parties*
- *Individual ability to cause harm alleged*
- *Information obtained from interviews (admissions, denials)*
- *Available and documentable evidence*

Looking at the context  
of the violence means  
going deeper than just  
the incident – to the  
history

# Contextual Analysis

- Not meant to excuse criminal behavior, rather can assist judges to make more informed decisions regarding offender dispositions and victim safety
- Context determines appropriate interventions and safety planning

# Four Contexts

- Violence in exercise of coercive control (battering)
  - *Patterned set of behaviors*
  - *Coercion and intimidation distinguish it from non-battering*
  - *Entrapment essential goal*
- Violent resistance
  - *Part of a broader strategy to stop or contain the abuse, including violence directed at the abuser*
- Non-battering use of violence
  - *NOT part of an attempt to establish an ongoing position of dominance in a relationship or in response to being battered (common couple, situational)*
- Pathological violence
  - *May be influenced by psychological problems, substance abuse – may be battering*

Steve and Mary are both veterans and had been in a relationship.

Steve had been intimidating and physically assaulting Mary for a number of years. Mary moved out and made a point not to tell Steve where she moved. Mary said she thought she had seen Steve several times in her new neighborhood. Mary said that she had transferred to a new job. However, Steve showed up at her new job and caused a scene. Mary said that Steve has several guns and that he has threatened to kill her. She also said that Steve had not been the same after his third deployment to Iraq. Mary said she was feeling unnerved about all of this.

Steve and Mary are both veterans and had been in a relationship.

Steve had been **intimidating and physically assaulting Mary** for a number of years. Mary moved out and made a point not to tell Steve where she moved. Mary said she thought she **had seen Steve several times in her new neighborhood**. Mary transferred to a new job. However, Steve **showed up at her new job** and demanded to see her. Her supervisor called the police. Mary told the police that Steve **has several guns** and that he has **threatened to kill her**. She also said that the **abuse had become more frequent and severe after Steve's third deployment** to Iraq. Mary said she was feeling unnerved about all of this.

## *The Rest of the Story:*

*The police officer took a report but said he could not arrest Steve for showing up at Mary's workplace and causing a scene. He told Mary that if Steve assaulted her again to call the police.*

*Later that week, Steve went to Mary's workplace. He waited for Mary to arrive and shot and killed Mary and then himself.*

*The police officer said that at the time he did not think the situation was that dangerous when he went to Mary's workplace. He said the case was indistinguishable from the hundreds of other cases he had seen in his career that did not end in murder.*

What is the context in this case?

What are your concerns about this case?

Matt is in the Navy but has not deployed to a war zone. He is depressed over his pending divorce to his wife Angie.

Matt confronted Angie outside of the office where she works and accused her of infidelity throughout their marriage. Angie tried to walk away, and Matt grabbed her by the hair and punched her in the face. He told Angie he is going to get custody of the children. The police were called, and Matt was charged and convicted of a misdemeanor domestic assault.

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### *The Rest of the Story:*

*Angie called the advocacy program that offers counseling and safety planning to victims. She told the advocate that this was the first time that Matt had hit her. She said she is scared because she has never seen Matt so angry, and she is worried that he could get custody of the children. She told the advocate that Matt has guns. The advocate asked her several questions about Matt's past behavior and wrote down that this was the first time he has hit her. The advocate reassured her and told her to call if he made any future threats or she needed any assistance.*

What is the context in this case?

What are your concerns about this case?

Devon, who is a former Marine, deployed to Iraq and Afghanistan multiple times. His wife, Reena, reported to an advocate from a domestic violence program that Devon is now frequently nervous and anxious and seems to forget things easily.

He has isolated himself and Reena from seeing anyone. When she does leave the house, Devon gets very jealous, threatens her, and breaks things. Reena says she's afraid of him because he's been physically abusive since he returned from deployment and now keeps a gun with him constantly. Reena tells the advocate that her husband refuses to get help.

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### *The Rest of the Story:*

*Devon reluctantly agreed to be evaluated by a psychologist from the local VA medical center emergency room. Although well trained in traditional psychology, this mental health professional failed to assess for and take into account the IPV in Devon's marriage since he returned from deployment, as well as his access to guns, threats, and his destruction of her property.*

*The psychologist decided that Devon was not homicidal or suicidal and let him go. Within hours of his release, Devon went home and slapped Reena several times and strangled her until her eldest son called the police. The police report indicates that Devon slapped Reena five times in the face and choked her until their son intervened, and there was swelling around her jaw and cheek. Devon was charged with a misdemeanor assault.*

What is the context in this case?

What are your concerns about this case?

Al deployed to multiple conflict/combat zones over his 20-year career in the Marine Corps. He has been married to Elizabeth for fifteen years, and she is financially dependent on him. Over the course of their marriage, Al has been controlling and violent. When he was intoxicated, he would beat Elizabeth and then force her to have sex after the assault. Al would usually apologize after these incidents. Elizabeth was very afraid of Al.

Al threatened Elizabeth that if she ever left, he would use some of his combat techniques and kill her. He would frequently display his weapons. She went to the emergency room on several occasions but never called the police.

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**Al threatened Elizabeth that if she ever left, he would use some of his combat techniques and kill her.** He would frequently **display his weapons.** She went to the emergency room on several occasions but never called the police.

### *The Rest of the Story:*

*Al came home after a long night of drinking with his friends. He was angry and demanded that Elizabeth make him dinner. Elizabeth later told the police that Al was very agitated and verbally abusive, behavior she knew well from past assaults. After serving Al his dinner, he started criticizing the meal and confronted Elizabeth in the kitchen. When he came toward her aggressively as he had done many times in the past, Elizabeth grabbed a knife and stabbed him in the chest. He was taken to the emergency room where he later died. The police took Elizabeth into custody.*

What is the context in this case?

What are your concerns about this case?

# Women's Use of Violence

- Fighting violence with violence
  - *To stand up to abuse*
  - *To retaliate*
  - *To get an impending assault over with*
- Controlling partner's behavior
- Defending herself or others
- Battering

# Women's Use of Violence

- Women use violence in intimate relationships
- Women are generally not batterers
- Often the violence is minor and ineffective
- The intent of the violence is not to dominate
- The violence often has little impact on the partner's behavior
- The partner usually does not feel afraid or intimidated – they can generally leave with little risk
- Women often experience severe consequences for their violence
- Escalation can lead to lethal violence

# Gender Symmetry

- Research and measuring violence: physical abuse gold standard for measuring IPV
- Conflict Tactics Scale type checklists only measures that show gender symmetry
  - *Developed in the 1970s*
  - *Don't differentiate joking and horseplay from intentionally causing unwanted harm*
  - *Don't include sexual assault and violence by ex spouses or partners*
  - *Don't include stalking, a course of conduct*
  - *Don't address coercive control*
  - *Don't address motives for violence*
  - *Don't determine who initiated the violence*
  - *Don't accurately measure IPV perpetrated by males on females*

# Gender Symmetry

- The Partner Victimization Scale, Hamby 2014
  - *Took out joking and horseplay*
  - *Included sexual violence*
- 1207 community adults
- Replicated with 665 women
- Showed significant gender differences

# Partner Victimization Scale Findings

## Female

- Partner threatened to hurt: 23.5%
- Partner pushed or grabbed: 27.8%
- Partner hit: 21.1%
- Partner beat up: 12.4%
- Partner did unwanted sexual acts: 11.5%
- Any partner victimization: 34.1%

## Male

- Partner threatened to hurt: 9.1%
- Partner pushed or grabbed: 12.6%
- Partner hit: 14.2%
- Partner beat up: 2.3%
- Partner did unwanted sexual acts: 1.8%
- Any partner victimization: 18.7%

# Gender Symmetry

- Violence is intentionally causing unwanted harm
- Solve the gender symmetry problem by using wording that better captures all the elements of violence
- Capturing the true burden of violence requires measuring sexual as well as physical victimization
  - *Sexual abuse continues to be separated from the narrative about abuse and coercive control*
  - *Complex issue and contextually based, consensual vs nonconsensual, yes/no questions don't work*
- Coercive control is an important component of abuse
  - *Tricky to measure, false positives*
- Need to be able to distinguish between abuse, other issues, and healthy relationships
- Similar findings in the Youth Risk Behavior Survey, Rothma & Xuan, 2011, when sexual violence was added

# Gender Symmetry

- Need comprehensive epidemiology of violence
- Feds should capture extreme but rare forms of violence
  - *Collateral homicide victims: Almost all multi-victim intimate partner homicides are male perpetrated, Meyer & Post, 2013*
  - *Intimate partner kidnapping also shows more extreme asymmetry, about 9:1 male:female perpetrators, Blumenstein, 2015*
- NIBRS and NISVS have the sample size but miss the opportunity

THE CONCEPT OF “PREDOMINANT AGGRESSOR” IS NOT TO CREATE AN EXCUSE FOR WOMEN’S VIOLENCE BUT RATHER, TO ACCOUNT FOR THE UNIQUE NATURE OF IPV CASES AND TO INTERRUPT THE PATTERN OF SYSTEMATIC ABUSE AND REVICTIMIZATION IN INTIMATE RELATIONSHIPS.

# Predominant Aggressor

## ■ Rationale:

- *Protect victim and children from ongoing abuse*
- *Avoid emergency placement of children or with abuser*
- *Dual arrests are rarely successfully prosecuted*
- *Serve interest of public safety*
- *Allow for the unique and patterned nature of IPV*
- *Easier to articulate in police reports*
- *Promotes safety for victims and children*
- *Best police practice*

# Predominant Aggressor

- Key consideration: The person in the relationship posing the most risk or danger to the other
  - *Who has the ability and the opportunity to cause the greatest harm to the other?*
  - *Who would you be most concerned for?*
  - *What are the size and strength differentials?*
  - *Did the person have the ability to do the harm alleged?*
  - *What is the context and intent of the violence for each?*
  - *What is the history of violence in the relationship?*

**He's out of  
Control!**

**...She needs  
to change too**

**How we understand domestic violence  
guides us in our decision making and  
frames how we will respond to the  
situation**

**Why doesn't  
she just  
leave?**

**Using violence is a  
choice he's making**

# Questions and Answers



# Contact Information

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# Resources

- BWJP Website, Military Page

<http://www.bwjp.org/military.aspx>

- Screening, Assessment, and Intervention Model for Intimate Partner Violence Perpetration and Co-Occurring Combat-Related Conditions
- Intimate Partner Violence: Insights into Military Personnel and Veterans
- Safety at Home – Intimate Partner Violence, Military Personnel, and Veterans E-Learning Course
- Webinar recordings

# Resources

- Additional Resources
  - *Understanding the Military Response to Domestic Violence, Tools for Civilian Advocates*
  - *Collaborating for Safety: Coordinating the Military and Civilian Response to Domestic Violence, Elements and Tools*
  - *Victim Advocate Guide: IPV and Combat Experience*
  - *Representing Victims of Intimate Partner Violence Connected with the Military*

- National Center on Domestic and Sexual Violence

[http://www.ncdsv.org/ncd\\_militaryresponse.html](http://www.ncdsv.org/ncd_militaryresponse.html)