

Spouse Abuse : What Needs to Be Done?



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A Leadership Forum Sponsored
by U.S. Senator Dan Coats

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at Indianapolis May 30, 1990

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INTRODUCTION

There are few issues as complex or which cause more mayhem and despair in the homes of many Americans as domestic violence. The incidence of reported cases is staggering and even non-experts recognize that these numbers represent just a small percentage of the actual physical abuse cases which occur in households each year. According to the Report by the U.S. Attorney General's Task Force on Family Violence, nearly a third of female homicide victims are killed by their husbands or boyfriends, and almost 20 percent of all murders involve family relationships. Moreover, a National Crime Survey showed that once a woman has been victimized in a domestic setting, she has approximately a 32% chance of being abused again within six months of the initial act of violence.

While we cannot tolerate crime in the streets and in our communities, crime by strangers can often times be better understood than domestic violence. It is much more difficult to grasp how it is that family members, whom we naturally trust and love, can be the source of some of the most violent, often repeatedly brutal, behavior in a person's life. Such actions destroy the underpinnings of family bonds and instead produce anguish, guilt, shame, distrust, as well as real endangerment to life and safety.

In the past several months, my staff and I have worked to attempt to better understand the problem of family violence generally and spouse abuse specifically. In April, I requested and chaired a Senate hearing here in Washington, D.C. on the issue before the Subcommittee on Children, Family, Drugs and Alcohol. At that hearing, expert witnesses came from various parts of the country to describe the problem and offer some suggestions on how both government--at the local, state, and federal levels--and the general population might better approach issues of violence in domestic settings.

In order to obtain a better understanding of the problem from an Indiana perspective, I next asked my staff to conduct a survey of prosecutors and shelter directors to register their reflections and suggestions. Approximately 50 prosecuting attorneys and 30 shelter directors or their staff were surveyed in total. The results of this survey have been published and made available to as wide an audience as possible.

One common recommendation by these two groups was the need to bring together professionals who deal with the problem at different stages--police officers, prosecuting attorneys, judges, shelter directors, state legislators, parole officers, counselors, battered women, etc.--so that a dialogue could occur between these different representative groups. Thus, this was the genesis for the idea of a forum on spouse abuse which I

hosted on May 30, 1990, at the Indiana University Law School in Indianapolis.

Approximately 35 panelists from across the state were asked to address one question each, with a total of between 10 and 12 panelists addressing the same question. Three questions were addressed in each room, those being: (1) "What is right and wrong with the way the current criminal justice system deals with the problem of spouse abuse?"; (2) "What legislative recommendations would you make to better address the problem of spouse abuse?"; and, (3) "How do we break the cycle of spouse abuse?"

The insights and recommendations which you will find in the following pages are the written remarks which approximately 30 of the 35 forum presenters submitted for this report. As you will see, there are a number of common themes: the need for more consistent reporting practices and policies such as "mandatory" counseling and arrest, "no-drop" complaint policies, mandatory "holding" periods, the need for earlier education and prevention measures, greater funding for shelter services, etc.

From listening to concerned citizens and officials and reading their many recommendations, I have reached certain preliminary conclusions. First, on the positive side, I am impressed with the activity and commitment which is already present among certain core groups in our communities to stem the prevalence of family violence. I believe that the size of the audience at the Indianapolis forum (approximately 175 attended) reflects this interest and resolve. For instance, from what many knowledgeable persons have told me, the awareness and the seriousness on the part of many law enforcement officials is much greater than even a few years ago. Moreover, many new state laws have been enacted just in the past two years to address domestic violence issues.

Second, the problem is one which is essentially a local and family one. No magic mixture of policies and new ideas from Washington, D.C. or the State House is going to suddenly curb the way individuals express their frustration and anger in the form of violence in the household. However, this is not to say that federal and state governments can't or shouldn't play an important role in addressing domestic violence issues (please see my own legislative proposals below). It does reaffirm, however, much of what I believe is common sense: violence is behavior that the individual must learn to control; family support is essential, combined with a strong support from friends and community, i.e., shelters, and a willingness by law enforcement officials to address domestic violence as a serious offense. To a large extent, personal will, responsibility, compassion and resolve, can't be bundled up in a federal program, but must come from an inner commitment on the part of the individual abuser as well as local involvement and support (to the victim and abuser)

from family, friends, and community, i.e., law enforcement officials and shelters.

Having shared these thoughts, I will soon introduce legislation which I believe incorporates many of the recommendations which will help address the problem, both at the federal and local levels. My bill, "The Domestic Violence Prevention Act of 1990," is primarily intended to assist States in their efforts to increase awareness about and prevent family violence. A further goal is to assist in the provision of immediate shelter and related services to battered women and their children. The bill contains two titles:

I. TITLE I: To Amend the Family Violence Prevention and Services Act of 1981:

(1) Authorization of Public Service Campaigns

Authorizes grants to public and private entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast, and other such vehicles for information that shall inform the public concerning domestic violence.

(2) Establishment of State Commissions

Conditions the receipt of additional funds by States under the Family Violence Prevention Act by requiring them to establish a Commission on Domestic Violence to examine issues including the use of mandatory arrest of accused perpetrators, "no-drop" policies, the use and duration of mandatory requirement of pre-sentencing investigations and batterer's counseling, the length of time to prosecute or reach a plea agreement, the use of plea agreements, the testifying of victims at post-conviction sentencing and release hearings, consistency of sentencing practices, restitution to victims, the reporting practices of and significance to be given to prior convictions (both felonies and misdemeanors) and other issues which the commission believes merits investigation. Commissions are required to provide a dissemination plan to local law enforcement officials and to report this plan to the U.S. Attorney General.

(3) Model State Leadership Incentive Grants for Domestic Violence Intervention

Requires the Secretary of Health and Human Services, in cooperation with the Attorney General, to award grants to not less than 10 states to assist such states in meeting the costs of improving State leadership concerning activities which: increase the number of complaints leading to prosecution; encourage the reporting of incidences of domestic violence; facilitates "mandatory arrests" and "no drop" policies. To be designated as

a model State, a State shall: (a) have in effect a law that requires mandatory arrest of persons police have probable cause to believe have committed an act of domestic violence (even if the victim will not file charges); (b) have in effect a no drop policy once prosecution is underway; and (c) have and effect methods to improve the awareness of medical professionals, law enforcement officials, prosecutors, and judges to recognize the symptoms of and respond to domestic violence.

Title II: Law Enforcement, Prosecution Grants, and Interstate Enforcement

(1) Grants to Combat Domestic Violence

Grants under this section would be made available to assist States, cities, and other localities to develop effective law enforcement and prosecution strategies to combat domestic violence. Grants under this part shall provide additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, and adjudication of persons committing domestic violence.

(2) Interstate Enforcement

Increase penalties for persons who travel or causes another to travel in interstate commerce with the intent to injure his or her spouse or who violates a valid protection order issued by a state. The measure also requires the perpetrator of such acts to provide restitution to the victim in terms of medical expenses, lost employment, and other losses suffered as a proximate result of the offense. The term "spouse" includes a present or former spouse and any other person defined as a spouse under, or otherwise protected by, the domestic and family violence laws of that State.

(3) Encouraging Arrest Policies

To encourage States and localities to treat spousal violence as a serious violation of criminal law, grants are eligible to States, municipalities, or local government entities: (a) to centralize police enforcement of laws against spousal or family violence; (b) to centralize and coordinate prosecution of cases involving spousal or family violence in one group or unit of prosecutors; and (c) to centralize judicial responsibility for cases involving spousal or family violence in one court or group of judges.

(4) Increased Reporting Requirements

The Attorney General will study and report to Congress within 120 days upon passage of this Act recommendations to address the problem of record keeping of criminal complaints

involving domestic violence. Specifically, the Attorney General will examine the feasibility of requiring that the relationship between perpetrator and victim be reported in any federal record keeping of crimes of aggravated assault, rape, and other violent crimes where the relationship of perpetrator and victim are not reported (currently federal practice requires the record keeping of the relationship of victim and perpetrator in cases of homicide and non-negligent manslaughter).

* * *

In conclusion, I would like to thank the panelists and audience participants who attended the spouse abuse forum on May 30. We had representation from nearly every geographical region and relevant professional background in the state. I especially would like to thank Suzanne Steinmetz, Professor of Sociology and Director of the Family Research Project at I.U.P.U.I. for providing the keynote address, as well as the morning's moderators: the Honorable Linda Chezem, Judge of the Indiana Court of Appeals; Susan Smith, President of Family Services, Inc. in Lafayette, and Jim Hendricks, Associate Professor of Criminology at Ball State University. I would also like to acknowledge Professor David Ford (of I.U.P.U.I. and the Family Research Laboratory at the University of New Hampshire) who has provided my staff and me with valuable information and research.

This report and the conference which preceded it is obviously just one attempt to bring attention to the disturbing and pervasive problem of family violence. I look forward to working further with individuals and state and local law enforcement officials and hope that those who are interested and involved with this issue will feel free to share with me their concerns and suggestions in the future.

Dan Coats
U.S. Senate

August, 1990

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"Spouse Abuse: the Problem, Progress, Perceptions and Prognosis"

Suzanne K. Steinmetz, Ph.D.
Professor of Sociology & Director, Family Research
Project, Indiana University-Indianapolis

The Problem

I would like to start by noting that although this forum is entitled "Spouse Abuse: What Needs to Be Done?" my comments will be limited to female abuse by a male partner. This should not be interpreted as an indication that battered men, or violence between lesbian or gay partners does not exist, is not important or should not have services provided. Rather, this is to acknowledge that female (wife/partner) abuse occurs with the greatest frequency and results in the most severe levels of injury.

Since the early 1970's, when the problem of spouse abuse first became part of the collective public awareness, we have made much progress. No longer does the mention of wife abuse produce nervous giggles and protest about the uniqueness of the problem. Farrah Fawcett's dramatic portrayal of a battered women in the "Burning Bed," and more recently the made-for-television drama based on Charlotte Fedder's experience as a battered woman have made it virtually impossible for anyone to be unaware of spouse abuse. Unfortunately, some of the same reasons such as "women drop the charges," "police don't respond," "judges only slap the batterer's wrist," are still offered as reasons why women continue to be abused, nearly two decades later.

Spouse abuse is widespread with over 50% of all women experiencing at least one incident of violence by their partner during that relationship. In any given year, 12% will be slapped, hit, pushed, shoved, choked, beaten, stabbed, or shot by their partner. Approximately 20% of all homicides involve a conjugal relationship and women are more likely than their husbands to be the victim. And, with the exception of homicide, relatively few incidents will come to the attention of any law enforcement, social service, or health care agency.

In addition to the high financial and emotional costs associated with wife abuse, men who abuse their wives are much more likely to abuse their children than non-abusive husbands. Furthermore, the more violent a husband is toward his wife, the more violent she is toward her children. Even women who were subjected to "minor" violence such as pushes and slaps had more than double the rate of frequent, severe assaults on their children than wives not subjected to assaults by their partners. Abusive husbands have higher rates of street violence and significantly more arrests for criminal offenses. Thus, not only is the abuse harmful for the wife, but it increases the likelihood of child abuse, provides abusive role models for the children, and increases violent street crime.

Progress

Considerable progress has occurred during these past two decades. Most states have expanded their assault statutes or enacted new ones to cover spouse abuse. Many states routinely record the relationship between the abuser and victim and FBI now requires that this information be included. Shelters for battered women are located throughout the country. Research has provided insights into the most effective criminal justice intervention for reducing spouse abuse. In the early 1970's, a period characterized by expanding social services, and an emphasis on rehabilitation, Morton Bard found that using a team approach to separate and counsel victim and perpetrator was an effective method for reducing further wife abuse as well as increasing the safety for police answering domestic disturbance calls.

In the mid 1980's, a period characterized by a "law and order" philosophy, Sherman and Berk's Minnesota Police Project reported that arresting the abuser produces a significant reduction in violence during the first six months. This method was widely publicized and adopted by various jurisdictions as THE way to handle domestic disturbance calls, and reduce spouse abuse. The results of this project and the information disseminated have been severely questioned by the academic community. For example, Sherman and Berk found that recidivism rates dropped from 26% to 9% when the police interviewed (counseled) the victim in addition to arresting the batterer. However, only the "arrest" part of the intervention was emphasized in the materials widely disseminated. More recently, David Ford of IUPUI found that any criminal justice intervention reduced risk of further violence. Both on-the-scene arrests and warrant arrests had little risk of retaliatory violence and that there was little difference in the effectiveness of diversion to counseling, probation with counseling, probation with anger control, or other sentences. These findings suggest perhaps no single approach is most effective under all circumstances. However, other studies emphasize the importance of consistency in

handling cases. It is when the individual officer must attempt to decide, on the spot, which of a cafeteria array of options should be utilized, that problems arise. The benefits of individualized handling of arrest and prosecution need to be balanced by the advantages of a consistent approach that clearly indicates that wife abuse will not be tolerated.

Perceptions

Those prosecuting cases are faced with a number of issues-- the criminal justice system's desire to see these cases efficiently handled; shelter workers' (and other groups concerned with women's welfare) desire to see these men arrested, prosecuted and punished; the victim's desire (at least in the early stages of violence) to "save the marriage," but reduce the violence. There are also a number of complaints. Law enforcement officers complain that cases are dropped; shelter workers complain that the penalties for battering a partner are insignificant; and women complain that the police don't respond/don't arrest when they are called. All of these complaints are valid. How can this be? The answer is that shelter workers and police are seeing different women.

More than a decade ago, I noted that part of the above problem was because there were really two types of abused women: the "Saturday Night Brawler" (mutual combatants, who had clearly defined the limit of their behavior, with both partners having been arrested for battering) and the "Battered Women Syndrome" (terrorized, victimized, brutalized and in fear for her life). Unfortunately, the police were using as their basis for response, the behavior of the Saturday Night Brawler who had a record of numerous domestic disturbance calls, arrests and dropping of the charges and little physical injury to either partner. Given this pattern of behavior, it is easy to understand why police would be slow to respond and reluctant to arrest. Unfortunately, when this response was generalized to a women in a battered syndrome relationship, severe injury or death was a distinct possibility.

I provide this example to illustrate that the women seen by the police are frequently not the same women who enter the shelter. The remedies sought by battered women will differ not only by the frequency of the attack or degree of injury, but also by the resources available to them. Women with greater resources, unless the level of violence and injury is extremely severe, rarely call the police, and almost never go to a shelter --the haven of last resort. These women will seek refuge with family and use the documented violence as a lever in a divorce settlement. Women with more moderate resources, e.g., working class, will call the police and use the criminal justice system to control the violence. They may drop charges if they believe that their partner will reform. Lower class women will go to a shelter. Financially, they have little to lose by leaving the

relationship, and little to gain by prosecuting. (Their stay in the shelter for 30 days provides about as much protection as a 30 day sentence for the batterer), They may use the "arrest" to buy them time to get to a shelter.

Finally, spouses in large national surveys represent still another group. They are not likely to represent women currently in a severely battering relationship--it would be much too dangerous for them to be on the phone or be seen talking to a stranger for the half hour or so to participate in the survey. Couples in these surveys are best described as spouses who engage in "normal, everyday" violence, which explains why these surveys find women to be nearly as violent as men.

Prognosis

Finally, the good news is that based on the national surveys of family violence conducted in 1975 and 1985, wife abuse declined by about 28%. This suggests that increased awareness of the problem by the general public, education, legislation, training of the law enforcement, social service, and health care professionals, hotlines and shelters do work.

Research has indicated that the greatest success in changing the batterer's behavior is through programs that work intensely with the batterer. Whether the marriage/relationship is continued or not, changing the violent behavior is critical--if we don't we will be handling the batterer's next victim in a short time. The relationship between child and spouse abuse, as well as the increased potential for family violence in the next generation, has been clearly established. Thus, counseling must be provided for the batterer as well as the victim and her children.

Perhaps the greatest challenge is for law enforcement, prosecutors, judges and shelter workers to develop a mechanism for sharing insights and strategies if not cases. A team approach to handling spouse abuse cases (similar to Indianapolis's recently established Child Advocacy Center in which law enforcement and CPS workers will jointly investigate child abuse cases) would open lines of communications and provide opportunities to explore novel approaches to reducing spouse abuse. Today's forum sponsored by Senator Dan Coats is a significant step towards this goal.

Thank you for this opportunity to present some insights on this most important topic.

QUESTION--"What is right and wrong with the way the current criminal justice system deals with the problem of spouse abuse?"

Panelists:

Room 1

Michael Barnes--Prosecuting Attorney, St. Joseph County
The Honorable John Baker--Judge, Indiana Court of Appeals
Gale Beaton--Assistant Director and Director of Domestic Programs, YMCA, Kokomo
The Honorable Joe Zakas--State Senator (Indiana District 11), Granger

Room 2

Brad Varner--Deputy Prosecutor, Elkhart County
Tom Fautz--Captain, South Bend Police Force
Linda L. Meade--Former battered woman and Member of the Domestic Violence Network Education Committee, Indianapolis
John Nolan--Coordinator of Outpatient Consultation, Midtown Community Mental Health Center, Indianapolis
Linda Kluczinske--Founder & Executive Director, Operation Shelter & Project Help, Angola

Room 3

John Meyers--Prosecutor, Tippecanoe County
Lt. R C Henderson--Lieutenant, East Chicago Police Department
Mary Anne Butters--Member, Indiana Domestic Violence Prevention and Treatment Council, Frankfort

Written Recommendation

Stephen Johnson--Prosecuting Attorney for Grant County

The Honorable John Baker

In an article published by the United States Department of Justice and the National Institute of Justice concerning the role of the judiciary in confronting domestic violence, the Director, Mr. James K. Stewart, noted:

The family is the fundamental unit of American Life. Thus public policies that support the family are imperative for the survival of our society. To help families thrive within our communities, we must address the serious problem of family violence. Family violence too often shatters families from all walks of life. Once considered a "hands off" issue, to be dealt with in the privacy of the family, these cases increasingly are brought to the criminal courts. No longer viewed simply as disagreements, arguments, or "family spats," they are recognized as violent crimes with victims suffering and psychological scars.

Since we all recognize the nature and the extent of the problem of domestic violence, we need to concentrate on some solutions. I am most familiar with what I believe judges can do--not from my experience on the Indiana Court of Appeals, but from thirteen and one-half years as a trial judge. Recognizing that all components of our judicial system, including police, prosecutors, and judges, have an important role in deterring family violence, my suggestions will be directed to members of the judiciary who can materially alter the traditional response of non-intervention.

Judges should:

1. Play a clear role in sending a message to offenders that they are accountable for their violence and that society refuses to tolerate such behavior. Not surprisingly, judges have a positive impact by simply talking to the parties in domestic violence cases. Studies indicate that judicial warnings and/or lectures to defendants concerning the inappropriateness and seriousness of the violent behavior has apparently improved the future conduct of some defendants.

2. Inform victims that they should not tolerate violent abuse by suggesting counseling programs, thus providing an official affirmation that they do not deserve to be hit. This will help them realize that the abuse was not something that they had to tolerate. This counseling empowers the victim and makes it clear to the defendant societal values. "A marriage license is not a hitting license."

3. Require prosecutors to minimize the use of the pre-trial diversion programs for domestic violence cases. The United States Commission on Civil Rights concluded that utilizing attendance in a counseling program as a diversion from the court

system is a dangerous practice. This practice has the tendency to reinforce the belief that domestic violence is not a crime and gives the abuser another opportunity to avoid the consequences of his violence. It is a better practice to have mandated counseling as a condition of probation.

4. Establish, after appropriate fact finding, a bond schedule to provide a "cooling off" period which gives the victim an opportunity to be relocated, secure protective orders, and allow for prosecutorial intervention. Such a bond schedule would require that the defendant have no contact with the alleged victim during pendency of the action without permission of the court.

5. Vigorously enforce joint preliminary injunctions and protective orders. Such a bond schedule can also utilize court personnel, such as probation officers or bond commissioners, to periodically check on compliance. A preventive measure will eventually save time and human suffering and avoid violence.

6. Provide leadership in the establishment and administration of the depository for protective orders and joint preliminary injunctions. Although Indiana law has now provided for this through the clerk's office, the judiciary can now provide valuable leadership in coordinating with the various police agencies and prosecutorial staffs, the utilization of this new feature of Indiana law.

7. Provide meaningful sanctions for the violation of the invasion of privacy statute, recently enacted.

8. Provide administrative review of domestic violence cases filed by the prosecutor's office, thus tracking the causes through the judicial system, from filing to disposition, to insure that the other components of the judicial system are following through.

All components of the judicial system who attempted to deal with society's problems have come to appreciate the importance of family. We must do our part to help all members of society achieve a good family life. To protect the integrity of the family and to help families within our communities, we must address domestic violence in the most appropriate method possible as judges--firmly and fairly.

Gale Beaton

As a veteran of over ten years in the field of domestic violence, there are many things I could say about the response of the criminal justice system to the victims of domestic violence. However, for the sake of time, I shall address some priority

areas of concern and awareness that I experience as apart of my day to day work in operating a shelter for victims of family abuse.

What is right about the system? For one, there are more than one "Howard County" in our state. Howard County is a non-metropolitan area with a county seat of approximately 48,000 and a rural population of 38,000. That county has--after some years of negotiation--created a County Wide Domestic Violence Policy that has been developed and maintained by the combined input of the city and county law enforcement officers, the judicial system, the prosecutor, the victim's assistance office, and the domestic violence program. This instituted program did not cost the county a lot of money--it did take time, negotiation and compromise. It also took sheriffs and chiefs who felt responsible for the work of their officers, judges who were concerned about victims, and the willingness of many powerful individuals to create a workable process. It also took political leaders who were willing to listen to the problems, pass legislation, and provide the means by which our local leaders who were able to institute a domestic violence program. This included legislation that provided for "probable cause arrest," protection orders, criminal processes for the violation of protection orders, and education of law enforcement personnel. Enabling the criminal justice system to meet the needs of domestic violence victims is not a "police" process--it is a community effort that must and can incorporate the skills, abilities and power of those in power to create a workable process that makes the legislation a reality.

And what is wrong with the criminal justice system? Quite truthfully, the "wrong" is that only about ten "Howard Counties" exist among the 92 counties of Indiana. In the majority of Indiana's counties, abusers are not arrested, even when the assault is seen by others, there is NO public process for victims to acquire protection orders and coordinately, no process for dealing with violations of protection orders for those few that might be gained through private means and personal contacts. As the coordinator of the state hotline for the Indiana Coalition Against Domestic Violence, we receive daily calls from women in other counties asking for help. While we can tell them that this is what the law in the state of Indiana provides for--probable cause arrest, protection orders, enforcement of protection orders--we also speak with the knowledge that within 24 to 48 hours we will hear from that woman again. And this time she will say "no one here ever heard of protection orders," "They say they can't arrest him unless the officer sees him hit me," "They laugh at me when I ask for help," and most fearful of all--"He's friends with the mayor-chief-sheriff-etc. and they will arrest me, not him."

When woman in rural counties finally get a court order that allows them to go into their home to get clothing and children's

items, accompanied by a sheriff's deputy, and she is threatened by that officer when she becomes upset upon seeing her family possessions destroyed and pet dog hanging from a tree--then something is very wrong with the criminal justice system--in the counties, in the state.

We have the resources and laws to make adequate legal provisions for any family victim entering the criminal justice system. What we do not have is consistency from county to county! Victims in counties that have not yet developed or adhere to any level of conscientious service to victims by the establishment and maintenance of the legislated protections thus create a concept of second class citizenry. Regretfully, these counties are still in the majority and yet they have the opportunities to change. Domestic violence services are available to every county in Indiana, and that includes the coordination of efforts to develop a county wide system of justice that provides protection for all victims--not just those who can afford private attorneys or who know the right people.

What is right with the criminal justice system? It can change (we could have 92 Howard counties in Indiana). The legislature has given us the laws. It is now up to the citizenry of each community and each county to ensure that their criminal justice system has set up a workable process for the enforcement of domestic violence laws.

The Honorable Joe Zakas

When we talk about the tragedy of spouse abuse, I believe it is important to remember some basic principles, such as the right every person has to be free from harm, and the duty of government to protect. In keeping with these principles, the Indiana General Assembly has been active in the past few sessions, attempting to address the serious problem of domestic violence.

In many ways the death of Lisa Bianco has brought the problem of domestic violence and spouse abuse to the forefront. The legislature, for example, has put into law what had been the policy of the Department of Corrections: that crime victims who request it be notified whenever an inmate participates in temporary release or work release program. Further, the legislature has allowed the Crime Victims Compensation Fund to provide for emergency shelter care expenses for up to thirty days for victims of domestic violence and their children. We have required that protective orders and restraining orders in domestic cases be placed on file not just with the court clerks, but also with local law enforcement agencies, and made it a criminal act to violate a protective order or restraining order, thus strengthening the force of law in such cases. The Crime Victims Bill of Rights passed during this past session of the

legislature provided a sweeping statement aimed at establishing and clarifying crime victim's rights. The bill contains several provisions, which includes requiring probation officers to prepare a "victim impact statement" for the judge, so that the court is made aware of the impact crime has had upon the everyday life of the victim.

The criminal justice system is complex, and can be intimidating to victims of crime. The efforts I have mentioned, and others as well, are attempts to deal more seriously with crime--especially domestic violence cases--and to insure that victims themselves have a voice in the proceedings.

One aspect of the problem that I raised during the last legislative session concerns crimes committed while those accused are out on bail. At this point, we have not found any formal statistics that are kept on this issue. However, there is substantial anecdotal evidence of this problem. In fact, Alan Matheny was in prison for a crime which he committed against Lisa Bianco while he was out on bail. We have heard of other similar examples, also.

I believe it is time we enact a "prevention detention" statute in Indiana, along the lines of a similar law that Congress has passed already. The term "preventive detention" refers to the practice of holding a person accused of a crime in jail without bail, after it is determined that the person would pose a serious danger to another person or to society if released.

While teaching a government course in South Bend, I was struck by a provision in the Indiana Constitution which states that "all offenses shall be bailable, except murder and treason, when the evidence is strong." Such language appears to prohibit a state "preventive detention" statute. The U.S. Constitution does not contain a similar provision, and thus does not prohibit the "preventive detention" statute passed by Congress.

Although the resolution I proposed to amend the Indiana Constitution did not receive a vote in the House, like other pieces of legislation it did get modified as it passed from committee to committee. Rather than place the possibility of "preventive detention" directly into the Constitution itself, as have states such as Michigan and Illinois, we modified our proposal to simply enable the General Assembly to pass such legislation. The exact details would be the subject of debate, but at least the Indiana Constitution would not stand in the way.

To me the idea of "preventive detention" simply springs from our duty, as government officials representing the people, to protect their rights to be safe and secure in their own homes. For some reason these individual rights seem to receive less emphasis today. It is my hope to introduce the proposal in the

next session. If it passes, because it is a constitutional amendment proposal, it would have to be passed a second time by the legislature following the next election.

I would contend that the passage of "preventive detention" legislation in Indiana would provide prosecutors with an important tool--perhaps an essential tool--in the fight against crime, and also in meeting our duty to protect victims.

Brad Varner

While spouse abuse is one of the most emotional crimes that could be committed in a domestic setting, it is still a crime which must be proven beyond a reasonable doubt in the courtroom if tried. Spouse abuse, which can also be referred to as domestic violence, extends beyond spouses to girlfriends, ex-girlfriends, and former spouses. Thus, domestic violence is an emotional crime because it often involves two people who love one another.

In the Elkhart City Court, charges are filed against batterers as a result of the police arresting the batterer for either an "on-view" battery or a probable cause arrest. Also the victim can file a police report against an alleged batterer. In the latter situation, the victim is directed to the Deputy Prosecutor's Office at the Elkhart City Court at a later date to discuss the battery with the Deputy Prosecutor. Once the charges are filed, the batterer will have the opportunity to plead guilty or ask for a trial setting. If the batterer retains an attorney, his cause will be set for plea bargain day, at which time a plea bargain will be offered to the batterer. If the batterer pleads guilty to the charge, he will generally receive a fine and costs, receive suspended jail time, and be placed on reporting probation and attend counseling in lieu of serving jail time. While that sentence may seem too mild, it must be remembered that in most instances, the batterer is often times the main bread-winner for the victim and her family. Accordingly, it is often the hope and wish of the victim that her loved one not go to jail, but receive some type of counseling with regard to domestic violence.

Battery is a class B misdemeanor which is punishable by up to 180 days in jail and a \$1,000.00 fine. Battery is elevated to a class A misdemeanor if it results in bodily injury to another person. A class A misdemeanor is punishable by up to 1 year in jail and a \$5,000.00 fine. Further, battery is elevated to a class D felony if the batterer commits the battery against a victim who has previously been convicted of a battery. A person who commits a class D felony can be imprisoned for up to a term of 2 years and fined \$10,000.00.

A recurring problem in domestic violence cases is that of the non-cooperative victim. Many times a victim will recant her story or refuse to testify, making prosecution for the battery virtually impossible. Whenever other witnesses are present at the scene of the battery, those witnesses could make a case. However, in most instances, the victim is also the only witness. If the victim recants her story or would commit perjury while on the stand in denying that her batterer struck her, she could be charged with false informing or perjury. However, if the State would resort to this procedure, the victim would be penalized twice. First, she is being physically abused. Second, she would then be facing criminal charges herself.

When a battery case is tried before the Court or jury, the State must prove two elements beyond a reasonable doubt: First, that the defendant knowingly or intentionally touched another person, and second, that such touching was conducted in a rude, insolent, or angry manner. If the State can prove those two elements beyond a reasonable doubt, the defendant will be found guilty of battery. Again, the State needs credible and willing witnesses to fight the war against domestic violence.

Another problem that concerns victims in regard to domestic violence is the amount of time the batterer spends in jail immediately following the arrest. There have been occasions where the batterer is arrested, placed in jail, and within minutes or a few short hours, has bonded out and has returned to the victim's residence to abuse her again. Perhaps jurisdiction in the State should consider adopting a minimum amount of time that a batterer should spend in jail before being allowed to bond out after battering a victim. This so-called "cooling-off" period may prevent further "heat of passion" batteries.

In sum, it is important that batterers be forced to recognize their violent nature and deal with it. As a Deputy Prosecutor, I attempt to deal fairly yet firmly with these offenders. Further, when dealing with victims who later wish not to prosecute, I attempt to encourage them to proceed with the prosecution so that their batterer may come to grips with his problem, by being placed on probation and attending counseling. I am, of course, referring to those misdemeanor batteries. When dealing with domestic violence cases, the paramount concern is preserving the rights of the victim. While our criminal justice system is not flawless, it is probably the best and the fairest criminal justice system in the world if utilized properly. In prosecuting domestic violence cases, it is important for all persons involved to work together.

Linda L. Meade

Five years ago I thought the solution to spouse abuse was easy: leave him. I couldn't understand why any woman would stay with a man who abused her.

Today, I understand the problems only too well.

Some of my understanding comes from working with battered women on the Crisis and Suicide Intervention Service and as a Victim Assistance Volunteer with the prosecutor's office. Some of it comes from my association with the Domestic Violence Network.

But most of my concern about domestic violence and the role of the criminal justice system comes from the fact that I was a battered wife. In my experience, there are a lot of things right with the system. When the police were called to my home, they were kind and sympathetic to me, they explained my options, and they took my husband away immediately. The next night he pled guilty and was sentenced to jail.

But I also had some things go very wrong. And I believe these are indicative of some widespread problems that must be addressed. I want to bring out two such problems today.

First, when my husband was released from jail (and I'll tell you more about that later) the judge set very specific conditions for his probation, including counseling. One year after he was released, in February of 1988, we received a notification that he was in violation of his probation because we hadn't been to counseling. I panicked and I found a place for us both.

My husband attended his group a total of four times. After two months, his therapist asked him to leave the group because of his poor attendance, and as long as we were married he never set foot in a therapy group again.

In July of 1988, my husband battered me for the last time. Support from my therapy group, my family and awareness of my choices helped me walk out the door for good. But as is typical with many batterers, he wouldn't leave me alone. Even after the divorce, he harassed me--calling me at home, at work, and finally showing up at my office. Finally, on the advice of my lawyer, I contacted the probation department to see what they could do, since he was in violation of his probation in several areas.

Imagine my dismay and horror when I discovered that for some reason, their records showed that he had been released from his probation in February of 1988--the very date we were informed he was in violation. I couldn't press charges again--I didn't know where he lived. My hands were tied and he had, in effect, gotten off scott-free.

Ladies and gentlemen, you can arrest them. You can prosecute them and find them guilty. But you can't jail them all, so you end up releasing batterers with certain conditions to be followed. But if someone isn't making sure those conditions are followed, they will probably start the whole thing all over again.

So if I had to point to one area that I think needs improvement, that would be it. Let's take a good look at what's being done beyond the courtroom, to make sure these men follow through on their commitments.

Now for the second issue: education and awareness. I was the one who asked the judge to release my husband from jail. I did this for three reasons: he promised never to do it again, I was addicted to him, and I was afraid of being alone. I think these three reasons are important for every police officer, prosecutor, and judge to understand when making decisions and judgments about domestic violence.

I've talked with several people in the criminal justice system about their experiences with battered women. Many of them are very well-educated about the topic, but many are not. Those who are not seem to expect a battered woman to be rational in her decisions and requests regarding the batterer, and that is a fundamental and potentially fatal error.

There is more behind the battered wife than what's on the surface--there are vast emotional and psychological complications that she often doesn't understand or isn't even aware of. I think it is crucial for everyone who deals with victims of domestic violence to take the time to look beyond the obvious and rational. I truly believe it will affect their understanding, and thus their actions.

I need to add that I believe educating "the system" is only half the battle--we must also work on educating the victims themselves. Both are critical if we are going to eliminate this terrible crime.

In closing, I leave you with this thought: psychologists have proven that violence begets violence, and the longer we wait, the more generations are growing up believing it's the only, or best, way to handle conflict. So whatever we decide to do, let's don't wait. Let's take action. NOW.

John Nolan

Because battering has a high probability of increasing in frequency and severity, a coordinated, consistent and uniform response from all the actors in the criminal justice system is required to substantially reduce domestic violence. Although well intentioned, many systems spend a great deal of time working independently and remain isolated which increases misunderstanding of each other's responsibilities and reduces their effectiveness.

Most current criminal justice systems operate with these assumptions: the police are not seeing abusers prosecuted, prosecutors view officers as not making enough arrests, judges agree that sentencing options are ineffective or too limited, service providers "lose" men in the system and may feel their recommendations are not taken seriously by the court and almost everyone involved eventually blames her for the problem.

In my opinion the primary goal of the criminal justice system is to protect the victim from further harm by intervening to end the abuser's violence. One example of a coordinated intervention project is located in Duluth, Minnesota. They have identified four objectives to protect the victim from further abuse:

- 1) To bring cases into the courts for resolution and to reduce the "screening out" of cases,
- 2) To impose and enforce legal sanctions on the assailant that will deter him from committing further acts of violence,
- 3) To provide safe emergency housing, education and legal advocacy for victims of assault,
- 4) To prevent assailants from getting lost in the system or playing one off against the other by coordinating the interagency information flow responses to cases. (1)

In communities with a coordinated response to domestic violence involving the criminal justice system and other agencies they have reported consistently positive results. Arrest rates, prosecutions, and numbers of police reports for both felony domestic violence assaults and police reports on all domestic violence calls have all increased dramatically.

In summary, a service provider is the only one of many actors who may be working with a criminal justice system that ideally provides a coordinated, consistent, and uniform response to domestic violence with safety for victims as the first priority.

1. The Justice System's Response to Domestic Violence Assault Cases: A Guide to Policy Development by Ellen Pence, 1985. Available from Minnesota Program Development, Inc., 206 W. Fourth St., Duluth, MN 55806

OTHER RECOMMENDED READING

Confronting Domestic Violence: A Guide for Criminal Justice Agencies by Goolkasian (1986) U.S. Department of Justice, Washington, D.C.

SELECTED MULTISYSTEMS INTERVENTION MODELS

Barbara Shaw, Executive Director
Project Safeguard
1207 Pennsylvania St.
Denver, Colorado 80203

Domestic Abuse Intervention Project
206 W. Fourth St.
Duluth, Minnesota 55806

Ms. Carol Arthur
Domestic Abuse Project
204 W. Franklin St.
Minneapolis, Minnesota 55404

Ms. Esta Soler
Family Violence Project
Office of the Prosecuting Attorney
San Francisco, California 94110

Lt. R C Henderson

Many people feel that there are numerous problems with the criminal justice system in its treatment of spouse abuse. However, I think the justice system is moving in the right direction. We do have laws to better handle this type of situation. In the past, when the officer was called to a home on a battery against the spouse, he could only try to secure or restore peace in the home. It was necessary that the officer observe the crime in his presence or the victim would have to get a warrant. Presently, this is not true under IC 35-42-2-1 (1).

When an officer arrives on the scene, and he observes that the victim has received injuries and believes that the victim could be injured again, the officer can make the arrest on the scene. We do not know how many injuries may have been prevented or lives saved, but we believe this is a step in the right direction. At this point in time the officer does not need a warrant to make the arrest. So often the victim is too afraid to

press charges against the offender. The PROBABLE CAUSE, release the victim of reprisal fear.

We have a new law that was approved by the Legislature on March 20, 1990. This law is called Public Law 26-1990, which states that law enforcement agencies must provide continuing education in regards to abuse. This is a big help to the abuse problem and I believe the legislative branch will continue working on spouse abuse to improve conditions in the present and the future.

We know that abused women tell lies to themselves. They tell themselves, it is not going to happen again. Their husbands tell them not to leave and that they are going to change. The husband continues by saying, it is the woman's fault that he acted the way that he did. He states that he was drunk and that he did not know what he was doing. He threatens to take the children and kill her if she leaves. At this point she should have left. In most cases the offender probably would have responded in a proper manner, if she had left home. As a policeman, I am telling you, you do not have to take this, there is plenty of help out there waiting for you.

Shelter homes are available. Some courts have representatives from the shelter homes sitting in the court room, while court is in session. When spouse abuse cases come up, the judge will recommend them to the coordinator from the shelter home. Sometimes both subjects will be given counseling by the coordinator or the victim may be given shelter. The shelter home will give needed persons shelter up to thirty (30) days.

I think the continued efforts by legislators, judges, various agencies and the general public, will cause changes to come about more rapidly in spouse abuse matters.

Mary Anne Butters

What is right: Varies with each jurisdiction.
Criminal justice system's regard for the crime of domestic violence varies from state to state, county to county, bench to bench.

Those Indiana counties with a "no drop" policy are definitely in the "what's right column."

Indiana's new, strengthened laws regarding probable cause and restraining orders are a step in the right direction.

Those states with "mandatory arrest" and policies of removing the batterer from the home, not his victim, also are in the "what's right column."

But, all too often: The victims are viewed as "victims of a lesser crime." Because a woman once loved her assailant, that gives him a license to batter in the minds of too many in control of our criminal justice system.

What's Wrong, and Why?

Most states in the U.S. drew their criminal justice foundation from law on English Common Law--with a backward, oppressive view of women as chattel, property to be controlled.

The Rule of Thumb: "A man may beat his wife with a stick no wider than his thumb." Much of that remains our nation's rule of thumb in the bringing of batterers to justice.

Why is Indiana so backward?

First, Indiana is one of only six states which does not require the reporting of crime...any crime, even homicide, especially domestic homicide. We suspect it's on the rise, but in Indiana we'll never know for sure until crime is reported, tracked and aggressively prosecuted.

Second, Indiana places a low priority on the prevention and treatment of domestic violence. Just look at our neighboring states spending:

Michigan: \$3.3 million
 Ohio: \$3 million
 Kentucky: \$5 million
 Illinois: \$7.8 million, up
 from \$4.7 in FY 1990
 Indiana: \$961,000 for FY 1991

Indiana's lobby for domestic violence justice is weaker than Indiana's lobby for criminal justice autonomy.

Third, look at the number of batterers who are in the law enforcement/criminal justice system themselves. (e.g. wife of a Superior Court Judge who is a "regular" at an Indiana shelter.)

Many men in power simply do not view domestic violence as a crime.

What can be done?

First, track the crime.

Second, let's fund its prevention and treatment properly. From the General Fund, not from Marriage License fees.

Third, let's prosecute aggressively. And, reelect those prosecutors, sheriffs, and judges who have shown leadership.

Fourth, let's educate our next generation. (e.g., Kentucky's K-12 Family Life Curriculum).

Finally, let's stop calling it "spouse abuse." It's violent crime. And, it's not just spouses. It's almost exclusively committed by angry, jealous, violent men who are allowed to escape prosecution and justice.

This must end.

Stephen Johnson

The issue of "spouse abuse" has both positive and negative aspects. One advantage that the Grant County Prosecutor's Office has seen which could be classified as a "right" with the system's treatment of spouse abuse is that of the new warrantless arrest statute that has recently been enacted in Indiana. By providing a law enforcement officer the opportunity to make an arrest at the scene of the battery on a spouse, there is an immediate intervention which can prohibit continued victimization of the spouse. Whether the officer makes the arrest at the scene or finds the defendant shortly thereafter, the fact that the officer is able to make the arrest based on his own beliefs and perceptions of the circumstances, is invaluable to the resolution of the problem while it is occurring or shortly thereafter. The warrantless arrest is changing the view of how "Spouse Abuse" is perceived. The traditional view being that a law enforcement officer's obligation was merely to quiet the combatants so that they do not disturb the neighbors is outdated. The emerging view of intervention and treatment legitimizes that "Spouse Abuse" is in fact a social problem.

Another "right" of the system's treatment of "Spouse Abuse" is the development of programs dedicated to break the cycle of abuse. For instance, Grant County has recently initiated a batterers program through the Family Services Society, Incorporated. The batterers program can be either court ordered or voluntary. Other programs are the support groups for victims

such as the women's shelter and our domestic violence task force which meets on a monthly basis.

One of the frustrations of the criminal justice system's treatment of "Spouse Abuse" is that there is not a separate crime specifically labeled "Spouse Abuse". Definitionally, and depending on the actions of the abuser, "Spouse Abuse" can be anything from harassment as a class B misdemeanor to the ultimate abuse of murder. There is not one specific pigeon hole or category strictly focusing on "Spouse Abuse." Therefore, both law enforcement agencies and prosecutors as well as community support organizations find it difficult sometimes to spread as they lack adequate staff or the expertise to properly handle this issue.

Even if there is immediate intervention by law enforcement authorities, as well as swift prosecution by the prosecutor's office, there remains the problem of having the victim's continued cooperation operate after the crime. Often a victim who requests the abuser to be arrested at the time of the incident or shortly thereafter is the same person who posts the bonds for release. The controlling dynamics of the victims/abuser relationship are very complicated and deeply rooted. The result often times is that the victim then ceases to cooperate in the prosecution of the abuser after the initial arrest. The arrest of the abuser does not sever or neutralize the underlying problem which caused the abuse in the first place.

In Grant County, we have heard time and again from our law enforcement agencies that when the legislature makes a change in the statutory laws which are relevant to domestic situations, the legislature does not take into account how the change will effect local law enforcement agencies. Often times there is a need for retraining of personnel and updating of programs. The legislature does not include resources or funds for any of the initial training, retraining or programs for that matter. Law enforcement agencies are just expected to make the changes and to cope with the additional demands on resources and funds. This is one area where the criminal justice system breaks down.

If our society is going to build on the newly emerging realization that "Spouse Abuse" is a prevalent problem in our communities and nation, we are going to have to treat it with the respect and dedication that is required to be successful. That respect will be evident when we work together on all levels of law enforcement, prosecution, and community groups. Further, we have to recognize that if we are going to make changes and progress, then we are going to have to make the necessary policy and economic commitments to insure a positive and far reaching result.

QUESTION: "What legislative recommendations would you suggest to better address the problem of spouse abuse?"

Panelists:

Room 1

Ruth Reichard--Deputy Prosecutor, Marion County and Administrator of Domestic Violence Unit, Indianapolis
Linda Clark Dague--Master Commissioner for Delaware County Superior Court, Muncie
The Honorable Steve Johnson--State Senator, District 21; Chairman of the Ethics Committee and Ranking Member of the Senate Finance Committee
Myrna Brown--Director of Harbor House; Vice-President of the Indiana Coalition Against Domestic Violence, Vincennes

Room 2

Regina Horner--Victim's Assistance Program Manager, Hoosier Hills Pact, Washington County
The Honorable Carr Darden--Senior Judge, Municipal Court of Marion County
Gail Smith--Co-Executive Director, Women's Alternatives, Inc., Anderson, Indiana; Secretary of the Board of Directors of the Indiana Coalition Against Domestic Violence
Vicki L. McIntire--Director of Victim Witness Assistance Programs, St. Joseph County Prosecutor's Office

Room 3

Barbara Borchert--Domestic Violence Investigator, Victim's Assistance Office, Vanderburgh County Prosecutor's Office
Norma Bradway--Staff Attorney, Indiana Department of Human Service, Indianapolis
Gloria Lowe-Walker--Executive Director of the Gary Commission on the Status of Women and President of the Indiana Coalition Against Domestic Violence
The Honorable Bob Hellman--State Senator, Serves on the Senate Education, Judiciary, and Pensions and Labor Committees, Terre Haute

Ruth ReichardAt a Local Level:

1. Our office has been a national leader in the area of prosecuting domestic violence cases. We are one of only a handful of jurisdictions with a specialized court to handle domestic violence cases. We were one of only eight jurisdictions nationwide to receive a sizeable grant from the Bureau of Justice Assistance to pursue a demonstration project in the prosecution of domestic violence cases, and we were rated one of the top two projects by the federal grant supervisors. Our method of prosecuting these cases is becoming a model for prosecutors' offices elsewhere in the country; and, our office has policies for domestic violence. It is unfortunate that the organizers of this conference did not consult the prosecutor of this jurisdiction.

At the Federal Level:

1. Federal agencies should coordinate their efforts in this area in order to develop a comprehensive public-education campaign directed to specific target audiences with prevention as its focus. Further, the agencies should be "audited" in order to determine which agencies deal with family violence, and then the agencies' responses should be coordinated. In other words, the agencies should coordinate the delivery of services to victims, their children, and their abusers. Also, the F.B.I. should include a designation of whether a crime was "domestic" in nature in its uniform crime reports so that the true extent of family violence can be measured. Then, the relevant agencies can establish a "clearinghouse" for data collection and dissemination, information and referrals, public education, and technical assistance. Federal agencies can provide technical assistance to health care workers, educators, and government officials regarding domestic violence. Different areas of the bureaucracy must respond more uniformly to this problem.

2. The Surgeon General has identified family violence as the nation's number two health problem because of its epidemic proportions. In "For Your Money's Worth," Sylvia Porter estimated that abuse-related absenteeism results in an approximate economic loss to the nation of a minimum of \$3-5 billion annually. Medical bills can easily add \$100 million or more to these totals. Congress needs to consider comprehensive legislation to allocate resources to deal with this problem in an intelligent manner. Congress could also designate a federal education campaign targeted at different groups, such as schools, health care providers, employers, etc.

At the State level:

1. Eliminate the \$100.00 deductible from the Victim of Violent Crime Compensation Fund application process; for victims who are working at "minimum-wage" jobs, with no health insurance, the \$100.00 deductible is too much to pay before the fund starts working. These people have suffered enough; why make them pay \$100.00 of their own expenses before they are reimbursed by the fund? We don't make victims pay the first \$100.00 of their restitution and then order defendants to pay any amount over \$100.00--why should the Fund operate any differently?

2. Double the marriage fee to earmark more funds for victim programs, shelters, transitional housing programs, public education, childrens' programs, etc.

3. Amend I.C. 35-38-5-1 to specify that a defendant who elects to participate in a prosecutor's post-charge diversion program, and whose charges are dismissed as a result of his or her successful completion of such a program, shall not be eligible to have his or her records expunged as a result of such a dismissal.

4. Mandate the development and adoption of written policies/procedures for all law enforcement agencies to adhere to in the area of family violence; the law enforcement response in the state currently lacks uniformity.

5. Amend the recently passed law requiring law enforcement training in the area of family violence to specify the number of hours (16?) which must be devoted to the training, and that it must be done annually by each law enforcement agency.

6. Mandate a reporting mechanism for all law enforcement agencies for family violence (child abuse, spouse/intimate partner abuse, and elder/endangered adult abuse), and establish a statewide data collection facility (the Indiana Criminal Justice Institute?) to which the agencies must report quarterly. Then, the I.C.J.I. (or whichever agency is designated) will be charged with the responsibility of acting as the clearinghouse for the data, and will have to analyze the data and report annually to the Governor.

7. Exempt all class D felonies involving violence from alternate misdemeanor sentencing (I.C. 35-50-2-7 (b)).

8. As with Operating a Vehicle While Intoxicated (I.C. 9-11-2), provide for a mandatory 10-day jail sentence or 80 hours of community service work for those defendants who have been convicted of a second battery on the same victim.

9. Provide for the admissibility of evidence of prior conduct by the accused against the victim of family violence unless the probative value is outweighed by prejudice, etc. (Minnesota, Section 634.20 of the Evidence Code (amended 1985)).

10. Allow persons arrested for crimes involving violence to be held for 12 hours without release on their own recognizance (and bond), and mandate that those individuals be brought before a judge instead. During this waiting period, require the holding facility (or bail commissioners) to contact the victims of the crimes for which the defendants have been arrested in order to ascertain whether the court at the initial hearing should specify certain conditions of pre-trial release, e.g., no-contact orders, etc.

11. Amend the criminal sentencing statute for both misdemeanors and felonies to require courts to order that defendants convicted of crimes involving family violence undergo an evaluation for treatment (to determine whether they would benefit from participation in a batterers' group, etc.).

12. Require batterers' groups (any treatment program for perpetrators of family violence) to be registered with the state's Department of Mental Health before defendants can be referred to them by courts; and, establish standards for the individuals who run the groups; and, specify the curriculum for these groups. Finally, require community mental health centers to include treatment for perpetrators of family violence on the list of services for which they must charge according to a sliding fee scale.

13. Include "family violence" as a factor to be weighed by ANY court making a decision regarding: visitation, custody, orders, and restraining orders. If a judge finds that family violence does exist in an individual family, require the judge to make written findings of fact regarding custody and visitation decisions, especially if the judge decides to award custody or unsupervised visitation to the abusive party. Further, the judge should be required by statute to order the abusive party in to a treatment/education program and specify in writing the reasons for not making that order. Also, statutes should include language barring mutual restraining/protective orders unless a judge finds, after an evidentiary hearing, that both parties are abusive; include language requiring courts to identify the "primary aggressor." Finally, require judges to record in writing their reasons for denying restraining/protective orders.

14. Mandate a statewide public education campaign to be coordinated by all affected state agencies, including the Board of Health, the Department of Mental Health, the Department of Education, the Department of Human Services, local law enforcement agencies, etc. Require the establishment of local-level commissions or task forces to address the problem at the

community level and report back to a central state agency (the central state agency would also coordinate and fill requests for data, technical assistance, etc.).

15. Worth considering: a comprehensive or "omnibus" family violence prevention and protection act, like other states have.

Linda Clark Dague

1. Consider making arrest mandatory under Indiana Code 35-33-1-1 (a) (5) & (6); or consider making arrest mandatory under certain circumstances, rather than at officer's discretion, especially when protective order point preliminary injunction has been issued;

2. Consider making it mandatory that an investigating officer file a full incident report when domestic violence has occurred, so that there is not a reduction in the officer's workload if violent incidents are left unreported;

3. Consider instituting a mandatory holding period of twelve to twenty-four hours after an arrest has been made that involves domestic violence;

4. Institute legislation making it mandatory that protective orders be effective statewide, across county lines;

5. Continue and increase support for existing domestic violence programs with both federal and state funds;

6. Continue and increase funding for federal Family Violence and Victims of Violent Crimes Act;

7. Consider funding for establishing mandatory counseling programs operated under court supervision for abusers;

8. Educate and encourage judges and attorneys to advocate and enforce sentences for civil contempt and criminal violations.

Steven Johnson

The increased frequency of spousal abuse in communities requires a greater level of coordination among social service agencies, law enforcement agencies and the judicial system. Because the financial resources to operate most all social programs, domestic violence programs included, are limited and will be limited for the foreseeable future, better coordination is needed to provide an adequate level of assistance to an increasing number of victims of domestic violence.

Funding:

Many communities, particularly the small rural ones located in predominately rural counties, have either inadequate shelters or no shelters at all. Funding priorities should reflect this need.

In communities where shelters are established the greater need is for transitional housing. When a nonabusive relationship cannot be reestablished the abused spouse (and the children that often accompany the abused spouse) must attempt to begin their lives again. Without transitional housing available for several months the abuse victim often sees little choice but to return to the abusing spouse for shelter and financial support.

One potential source of funding in Indiana requires a constitutional change. Presently, all fines and forfeitures are required to go to the Common School Fund. Over the last several decades other funding mechanisms for school building construction have made the need for the Common School Fund obsolete. The courts often times do not use fines because the fines cannot be directed to more logical uses of the funds because of the constitutional restriction. The process to amend the Indiana constitution to allow for the legislature to more effectively direct fines and forfeitures should begin in the next session of the General Assembly.

Program Consistency and Training:

While some level of discretion in program development is necessary to provide for the unique circumstances that exist in communities, a greater level of consistency is necessary for victims and program operators to provide services across communities and counties. Consistent policies should be developed between the program provider, law enforcement agency and the judicial system. The use of protective orders and how to properly implement them can enhance the consistency of the process of dealing with the victim and the abuser.

Myrna Brown

Expand the FBI reporting system to include domestic incidents and homicides due to domestic violence.

More funding into the states for direct use for domestic violence shelters and do outreach programs. Stiffer sentencing for domestic violence abusers.

When charges of domestic violence are made, they should go into the national reporting system, the same as other criminal offenses, so that it will be permanent and can be tracked from state to state.

Regina Horner

Domestic violence is a societal problem that must be addressed on a community level. Dysfunctional families deal with a learned behavior that "gets things done" by the use of violence.

Education is vital in understanding the dynamics of domestic violence. It should be part of training in all police academies and as inservices for existing personnel. All human services agencies need domestic violence inservices as a regular part of their curriculum.

Research done recently in the state of Oregon stated that the amount of violence depends on whether an arrest is made. Using the amount of injury as the judgment medium makes the victim hesitant and suspicious of the system. Revictimization is the term that is used with the majority of the victims.

Equal enforcement of the law should be the norm. Spouse abuse cases are minimized and the stigma of it being a domestic violence situation automatically labels it as "hands off" in many law enforcement agencies. These cases should be designated as high priority. Prosecutors cannot have an impartial attitude towards victims. Judges should permit women to obtain restraining orders through civil courts if that is the only recourse she has.

Restraining and protective orders should be utilized as they were designed to be used-to protect persons from being harmed. Many perceptions are clouding the basic definition of the order. Harassment of the victim repeatedly is always an issue that is not dealt with because of the "hands off" policy of the justice system.

A must arrest policy would take the situation out of the hands of the victim. As part of probation, counseling should be mandatory through batterers' programs as well as counseling made available for the victim and the children. The cycle has to be understood before the dysfunctional issue can be addressed and broken.

The Honorable Carr L. Darden:

1. There is a dire need for a broad base support statement from the President, Governors, Senators, Congressmen and local representatives considering spousal abuse and emphasizing that it will not be tolerated any longer.

2. There is a need for more courses to be taught at the Junior and Senior high school level regarding human relationships between the sexes, i.e., males need to be taught how and why they should feel and think more highly of females; and, females need to learn to feel and think more highly of themselves.

3. Policemen should be mandated to take courses in spousal abuse regarding the recognition and understanding of same. Too often policemen move too slowly to initiate arrests to prevent further abuse.

4. There is a definite need for more shelter or safe houses where women and children can go to in times of need.

5. There should be studies conducted to determine the recidivism rate among offenders.

6. Patrol officers or supervising officers should have cameras to take photographs of injuries near the time of the incident. Often there is a recantment of the victim's story at the time of the trial and the photographs would become a vital source of evidence for the trier of fact to see.

7. Prosecuting attorneys should be mandated to have a spousal abuse unit or department where someone is available 24 hours a day. Sometimes women need immediate help at weird hours of the day. The offense of spousal battery often takes place late at night or in the early morning hours (especially on weekends) or after normal office hours.

8. Protective orders should remain in effect for one (1) year or the length of the sentence or probation, whichever is the longest.

9. Enact an "Habitual Battery Offender Statute," which provides that a person can be charged with the offense of Battery as a Class D felony if that person has accumulated two (2) prior unrelated misdemeanor battery convictions. This law would be designed to curtail the violent offender who has a propensity for violence or who has battered different women in the past.

Gail Smith

1. NO DROP POLICY. This policy would no longer require the victim to be responsible for the crime. It is not up to the victim to file charges but the state of Indiana. In no other crime do we lay the burden of justice on the victim. (example-- if a robber, murderer, drunk driver...has committed a crime we do not ask the victim to press charges...the state automatically files the charges not the victim.
2. MANDATORY HOLD. Do to safety a DWI (drunk driver) is held because his/her blood alcohol content is too high and it would be unsafe for them to be released. It is also unsafe to release a batterer...he needs a cooling down period much like the drunk driver. It would also give him the message that his actions are considered a crime not just a "slap of the hand". This procedure is working in areas of the state of Indiana. (12 hr.--24 hr. holding period) Many offenders are released within a 1-4 hour period.
3. VICTIM NOTIFICATION. Following an arrest the victim needs to be notified when the abuser is being released. A procedure needs to be established in local jails.
4. JUDGES TRAINING. In the 1990 Legislature HB-1192 passed requiring education be given to all officers...a county law enforcement agency program shall provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning domestic violence..." This bill did not include judges. Many domestic violence victims are revictimized through the judicial system.
5. STATE AND FEDERAL FUNDS. Laws are needed to increase federal funds to shelter/programs working with domestic violence with special program dollars to be given to set up programs for children who are victims of vicarious abuse. Domestic violence is child abuse. Violence is learned behavior. Breaking the cycle of violence can not be addressed until we seriously consider that domestic violence is a killing cancer which kills the whole family and continues to kill generation after generation.
6. PROTECTION ORDER. The protective order law needs to be amended to read..."a police officer shall make an arrest on a violation of an order of protection."
7. DOMESTIC VIOLENCE COURTS. Domestic violence courts are being used in certain areas of the state. Persons working in these courts are educated in the area of domestic violence. Many of the courts require mandatory court ordered treatment for the abuser. (Like drunk drivers who are ordered to treatment)

8. FUNDING. Develop funding available for shelter programs to expand to transitional housing; childrens programs and rural programs.

9. UNIFORM REPORTING. A law to require police departments to report in a uniform way. Many departments have up to 12 codes for domestic violence incidents. (i.e. family fight; assault; domestic dispute; trouble in the home; husband/wife incident, etc.) This would help get accurate statistics.

10. SCHOOLS. Require curriculum in the schools (kindergarten through high school). This would be similar to the DARE Program already in the schools. Kentucky requires domestic violence education in all psychology classes. There is curriculum being used in other states.

11. Mandatory arrest and deletion of affidavit provision

Current law at I.C. 35-33-1-1 states that: "A law enforcement officer may arrest a person when the officer has:...(5) probable cause to believe the person has committed a battery resulting in bodily injury under IC 35-42-2-1, and that the arrest is necessary to prevent the reoccurrence of a battery. The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause." The four subsections before (5) contain the other times an officer may arrest, including an arrest warrant, probable cause that a felony has been or is being committed, or probable cause that a misdemeanor is being committed in the officer's presence. None of the subsections other than (5) make any reference to the officer using an affidavit at the scene to establish probable cause.

The problem with probable cause arrest is that many departments and officers are not using the authority given and are not arresting. The big argument against mandatory arrest is that officers must be allowed to have discretion and flexibility. My response is that it still will be up to the officer to decide whether probable cause exists to believe a battery with bodily injury has occurred and that if the officer believes this exists that the argument about preserving the officer's flexibility is just a smokescreen.

The affidavit requirement is not mandatory, but the statute as written puts the state on record as endorsing the idea that it is permissible for officers to require such affidavits. A critical point is that this is the only place we have seen such a provisions on affidavits. Interestingly, if the affidavit provision were removed, it appears that nothing would prohibit officers from still requesting affidavits. But at least state law would not suggest their use.

We would suggest that I.C. 35-33-1-1 be modified by separating the probable cause battery arrest into a separate section, as follows:

(b) A law enforcement officer shall arrest a person when the officer has probable cause to believe the person has committed a battery resulting in bodily injury under IC 35-42-2-1, and that the arrest is necessary to prevent the reoccurrence of a battery.

12. Redefine battery for second offenses

In 1987, the legislature amended the battery definition to make a second time battery with bodily injury a Class D felony. But this only applies if the battery is on the same victim. A second battery on a different victim is not elevated to a felony.

The definition could be changed so that any second time battery is a felony. I.C. 35-42-2-1(2)(D) would then read: "However, the offense is a Class D felony if it results in bodily injury to:...(D) the other person and person who commits the battery was previously convicted of a battery resulting in bodily injury."

13. Mandatory police training

Indiana has a law concerning mandatory training for law enforcement officers which naturally does not discuss domestic violence. I.C. 5-2-1-3- sets up a law enforcement training board and advisory council. The law does not set the minimum standards for the academy or training schools, but at I.C. 5-2-1-9 delegates this to the Board. I.C. 5-2-1-9(a) does list areas in which police chiefs must be trained.

A couple of approaches could be taken. One is to require that a person knowledgeable in domestic violence issues be added to the Board, or at least to the advisory council. The other approach is to add a specific requirement that domestic violence training be added as a training requirement. This could easily be added to the list of topics for police chiefs under I.C. 5-2-1-9(a). Language could also be added to 5-2-1-9(a), which governs training schools generally, and to 5-2-1-9(d), which governs town marshal training programs.

While some of these changes have taken place, those changes are not complete enough.

Vicki McIntire

1. "Evidence of other threats and assaults by the defendant upon the same victim are admissible at trial in murder, attempted

murder, voluntary and involuntary manslaughter, battery and attempted battery prosecutions when relevant to show the defendant's motive, intent or identity." (Currently other acts of violence against the same victim are admissible primarily only in homicide prosecutions. In most cases homicides are simply batteries resulting in death. A pattern of ongoing violent behavior toward a victim is relevant to show the defendant's intent to use threats and violence to manipulate and maintain control of the victim.)

2. "No automatic bond for Domestic Violence Battery Charge" (A legislative change is needed if a policy change cannot be made) "Defendant must appear before a magistrate in order for bond to be set" (Allow victim time to arrange safe shelter, "Introduce" batterer to seriousness of crime, allow batterer time to "cool off". Right after arrest is high risk time for both victim and children.)

3. "Upon conviction of DV Battery, sentence must include Court Approved Counseling." (Group Counseling offers the best chance to alter the conduct of the batterer. Because batterers are manipulators, they should be closely monitored by Probation Dept. There should be no non-reporting probation for these defendants.) Policy Recommendation: "Mandatory reporting of all domestic violence incidents by local police department to the Prosecuting Attorney for review. Victim not required to sign charging affidavit." (St. Joseph County has had this policy since 1986 along with a "no drop policy". We also offer free counseling for victims, and for children who have witnessed domestic violence. Subsidized counseling is available for men who batter.)

Barbara Borchert:

Domestic violence is a crime which should be dealt with separately from other types of offenses. For instance, a battery between two men or two women does not compare to the problem and effects of domestic violence, nor should they be treated the same. Therefore, domestic violence should be a statute which stands alone, and the specific crime which is committed should be subsections of this category.

If a domestic violence statute is adopted, then penalties for defendants could also be addressed differently. For example, the availability of a domestic violence treatment program for eligible first time offenders would be invaluable for all counties. These programs could be most useful if they were part of a deferred prosecution process. This would not only provide the offender with an incentive to successfully complete the program, but it could encourage more victims to pursue prosecution. If an offender were to repeat a domestic violence

act, after already having been sentenced to the domestic violence treatment program, then he/she should be required to serve a pre-determined length of an executed sentence. This sentence, then, should be increased respectively with the number of previous acts which he/she has committed that fall under the domestic violence statute. Eventually, a felony charge would be warranted after committing a pre-established number of domestic violence offenses.

Norma Bradway:

1. There is a need for improved reporting of law enforcement runs on domestic disturbances. The annual FBI statistics should include domestic (or family) disturbances, to indicate how widespread the problems which come to the attention of the police are. This would be an additional category, not a separate one. (That is, the incident would be categorized a battery-domestic disturbances, or murder-domestic disturbances.) Currently there are no nation-wide statistics regarding this issue. Many states, including Indiana, do not keep these statistics.

2. Children's programs in every women's shelter would help break the cycle of violence. Federal victim assistance money should be increased to address this specific issue.

3. Correctional facilities should study the effectiveness of mandatory batterer's groups for men who are incarcerated, and are convicted for a crime involving spouse abuse, and voluntary groups for those individuals who are incarcerated and have a past history of abuse of their partners.

4. Prevention of spouse abuse through the education of children is the most humane and cost-effective long range method of dealing with the problem. This could include classes which deal with conflict resolution, self-esteem, and non-violent relationship dynamics.

Gloria Lowe-Walker:

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incident alleging the elements of the offense of battery to establish probable cause." The four subsections before (5) contain the other times an officer may arrest, including an arrest warrant, probable cause that a felony has been or is being committed, or probable cause that a misdemeanor is being committed in the officer's presence. None of the subsections other than (5) make any reference to the officer using an affidavit at the scene to establish probable cause.

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While some of these changes have taken place, those changes are not complete enough.

QUESTION: "What can be done to break the cycle of spouse abuse?"

Panelists:

Room 1

Frank Dearing--Probation Officer, Clark County Adult Probation Office, Jeffersonville

Dennis Grimmer--Field Officer, Indianapolis Police Department, Indianapolis

Christie Stephens--Co-Executive Director, Women's Alternatives, Inc., and Chairperson, Mayor's Commission on Domestic Violence, Anderson

Michael Sepich--Counselor and Trainer, Family Service Association of Indianapolis, Indianapolis

Jeanne Volda-Milligan--A.C.S.W. Director of the Family Counseling Department of the Family Services Association of Indianapolis, Indianapolis

Room 2

Craig Wildauer--Patrolman, The Indianapolis Police Department, Indianapolis

The Honorable Evan Dee Goodman--Presiding Judge, Municipal Court of Marion County, Indianapolis

Judy Hughes--YWCA Residence Director, Evansville

Linda Edington--Chair of the Education Committee, Domestic Violence Network and State Coordinator, Indiana Department of Education, Indianapolis

Room 3

Beth Stein--Outreach Coordinator, Crisis Connection, Jasper, Indiana

The Honorable Dennis D. Carroll--Madison Superior Court, Division One, Anderson

Cindy Wright--Coordinator, Domestic Violence Program, Salvation Army, Indianapolis

Dr. Greg Hale--Ph.D., Psychologist, Lennon and Associates, Indianapolis, Program Director for the Domestic Violence Program, Indianapolis

Written Recommendation

Dixie Arter--Member of Council on Domestic Violence Prevention and Treatment, Fort Wayne

Frank Dearing

It is a privilege to address any group of people who believe that the ability to change is within each of us.

I am not here to try to re-invent the wheel, there are many fine wheels out there rolling along. However, I would like to offer you a few ideas that have the possibility to be used in everyday rehabilitation. Somewhere over the past decade the term "Spouse Abuse" has become synonymous with "Wife Battering." If I keep an open mind that phrase is not entirely true. There are two spouses in a relationship, Male(husband) and Female(wife). We have at hand many programs and/or agencies for the female. But many times years will pass before the male enters our world seeking help (usually not the base problem) and much digging and ferreting out must take place. On that note please keep an open mind! As for the client, be they the ones who have been adjudicated or someone who is seeking help on their own, a procedure that I have been using is the combined effort of a few past greats in the field (do not re-invent the wheel). First of all Alfred Adler (Social Context) + Virginia Satir + Terry Gorski = Embodiment of the whole realm! Conjoint Therapy, and Social Context encompasses the family unit, in the context of Terry Gorski the admittance or elimination of the presence of addiction sets the tone.

I have used the Adlerian Family Constellation work sheet as a basis for background, then establish Satir's five (5) interrelated communication process skills to identify: A) Self & Others; B) Differentness to Self and Others; C) Separateness & Others; D) Self Making room for others in his/her Space; E) Joint Outcome Negotiations. At present most of the known behaviors and feelings may be garnered from these approaches: A) Anxiety States; B) Nonsense States; C) Illness States; D) Obnoxious States; Neurosis, Psychosis, Somatic, Personality.

In the avenue of addiction, it is not scientifically proven that if you scratch 100 abusers who will find 100 alcoholics, or vice versa.

Or that if you have an alcoholic that is the reason for the abuse. Granted the toxicity in the cortex of the brain denies the entire function of the brain, rational judgement, passion, feelings etc. There is no good valid research that shows alcoholics come from "dysfunctional" families, 1/4 to 1/3 do not! There is no evidence that co-dependency causes chemical addiction. When a complete nuro-psychological work-up has been done and the evidence shows NO toxicity damage then we may have a behavior disorder not an addict or alcoholic.

Although Adler was interested in prevention rather than healing, Satir was interested in repair, and Gorski in the area of halting the deterioration, as a combination and joint effort

they are all sold on the idea of education/re-education or if you will re-train the individual.

I adhere to this old/new wave if the absence of pathogenesis or pathology is confirmed.

Separate individual counseling for each member of the unit, then merge the entire unit as a whole! These will be trying times both for the counselor and the individuals involved, however without this approach we keep fragmented pieces floating in a fogbank forever lost!

Remember, "Differentness" is not the same as "Differences."

Christie Stephens

The comments that I made that I did not hear other presenters make and which I would like included in the report are:

1. I believe sexism is the primary cause of domestic violence.
2. The legislation we need, to begin to deal seriously with domestic violence is the Equal Rights Amendment and I believe that non-support of the ERA is support of domestic violence.
3. We are all violent. We learn violence and we teach violence. We must learn and teach non-violence at home, in the community, in the U.S.A. and in the world.
4. Discrimination against any human being for who they are is violence, e.g., sexism is violence; racism is violence; ageism is violence; classism is violence; heterosexism is violence; able bodyism is violence, etc.
5. There is hope. We are it. We can learn. We can change. We can love and respect one another. We must. Thank you to all who are creating peace.

Michael Sepich and Jeanne Volda-Milligan

The batterer needs to take responsibility for the violence and be willing to address the issues which leads to the violence. The entire family needs to be involved in counseling since the cycle continues in other relationships and with children into their relationships as they grow. Counseling should include educational components as well as therapeutic components. Issues

must be explored in depth with all members of the family and the skills must be integrated in their current lives.

The Issues to be addressed in counseling are:

- 1) The patterns established by family of origin since domestic violence tends to be a transgenerational problem;
- 2) Feelings, including anger, are normal;
- 3) Alternatives to expressing anger and all feelings;
- 4) Assertiveness as opposed to aggressiveness or passiveness;
- 5) Attitudes about being male and female;
- 6) Co-dependency;
- 7) Couples communication;
- 8) Healthy relationships; and
- 9) Stress management.

Once the family addresses these issues, the cycle of violence can be interrupted. Funding for counseling services for domestic violence need to be more available; so that the counseling services are more accessible to the families where the cycle continues.

Craig Wildauer

Society needs to realize that this is a societal problem and deal with it appropriately. Victims of spouse abuse need to be better educated as to protect themselves. Knowledge must be provided to the victim in the areas of prosecution of the offender, shelters available, support groups, and financial support or employment opportunities. To protect the victim in court proceedings, counsel should be assigned to look out for the victim's rights and best interests.

Laws need to be more strict in the punishment of offenders of spouse abuse. First time offenders need to have mandatory counseling for themselves, and also for their families to help preserve the safety and family as a whole. Repeat offenders need to be sentenced with mandatory sentences to punish the offender, and allow for the rehabilitation of the offender with counseling in a controlled environment. This will also send a message to society that this behavior will not be tolerated.

Prosecutors need to aggressively prosecute all cases of spouse abuse, in a timely fashion as to address the problem as it

exists. Prosecutors must become more reluctant to accept plea-bargains in an effort to lessen their case load. Also, studying of case events and an interview of the victim before appearance in court would allow for better understanding of the victims concerns in the relationship.

Based on the victims fears or the level of abuse, judges need to impose restraining orders when the offender makes their initial appearance in court. This would help to ensure the safety of the victim and help eliminate fear of prosecution. It should also be the responsibility of the prosecutor to let the court know if he feels a restraining order is necessary. Judges need not accept plea-bargains based on the criminal history of the offender or the severity of the incident. Prosecutors need to educate law enforcement on the changes in the law along with the necessary elements of a probable cause needed to accomplish a successful prosecution of the offender. With law enforcement, prosecutors, judges, community agencies, and legislators working together as a team we can efficiently break the cycle of spouse abuse.

The Honorable Judge Evan Dee Goodman

As a Judge, there are two areas that I would like to address this morning. First is the issue of a national statement that violence is unacceptable, while our national attitude reflects that violence is acceptable. The second issue, and certainly not as global, is the ability to use the courts as a symbol that our attitudes must mirror our statements.

With all of the security that this nation could afford, it was not enough to protect President Regan from getting shot. Clearly we can not afford the same intensive security for everyone that is threatened with violence. Because of the expense both apparent and hidden, we cannot afford to maintain a national attitude that violence is acceptable. We must make a positive statement, reward it at every opportunity, that violence is wrong. Hitting is wrong. In fact the only hitting that the law permits is that which is done in self defense.

How can we change these attitudes so that the behavior mirrors our speech? We should not accept violence in any form in the public arena. If we accept violence outside the scope of a sporting event, we give a clear message to those children that would emulate the great role-model sports figures that violence is acceptable. Hockey certainly is a violent game, but if the violence goes beyond what's required for legitimate competition, for instance, throwing punches, the athletes should go to jail for the crime of battery. The same applies in basketball, baseball, football and all other sports. Even in boxing it is a violation to hit below the belt.

We should begin courses in elementary school which teach empathy and how to care for the rights and feelings of others. These courses should be designed by educators in conjunction with adolescent psychologists that would take into account the child's behavior and how it applies in everyday life, on the school ground, at home, and in the neighborhood.

The roller derby is another example of violence for its own sake. It includes men and women. The point should be made here that women are violent almost as often as men. When a woman hits a man, however, she seldom inflicts the same severity of injury and so men do not prosecute nearly as frequently as women prosecute men. Not only are the injuries less severe, but also men don't feel it is a "male thing" to do to prosecute women. By failing to prosecute women, however, it is one more way in which men denigrate women. By failing to prosecute, men are saying that women do not have to live up to the same standards and are even not worthy of being prosecuted. This of course is one more way of showing depreciation and degradation of women.

Another way of changing attitudes is to remove all gratuitous violence from movies, television, videos and music. Obviously the First Amendment of the United States Constitution protects all forms of freedom of expression. Until the public chooses not to spend its money on violence, however, violence will continue to be acceptable. Obviously making a statement like this to the assembled people here is similar to preaching to a choir. You can, however, individually, make a statement by not buying any materials that include violence in them.

Another thought to change attitudes concerns a modification of our prison system. For any offender who has been convicted of a violent act, he should not be released from the penal system until he has internalized the idea of personal responsibility for his behavior and has successfully completed empathy testing to confirm that change. In the absence of forcing individual change, a person temporarily removed from society will ultimately be returned to society with the same violence propensities.

Moving to the second theme, the question is how can the courts be a symbol to the society that our attitudes are reflected in our behavior. In Indianapolis we have created a domestic violence division of the Municipal Court System. This court handles all misdemeanor cases involving battery, trespassing, harassing telephone calls, and other crimes which grow out of a "loving" relationship. This court also handles the lower grade felonies of the same domestic category.

The first job of the court is to insure a fair and impartial trial. Next, the court offers consistency to the system. By creating this specialized court, we have gained a judge with great expertise, sensitivity, and understanding of the problem.

We have educated prosecutors and victim advocates. We have been able to educate defendants as well as victims about the costs and waste of energy that violence spawns. We have learned of all of the treatment facilities available in the community and other resources.

Our probation department has several specialized teams to be used primarily on domestic violence cases. The law enforcement officers know that there is a better chance that their cases will be followed within the judicial system and no longer dismissed as merely a "domestic." Several officers have told me that with one exception during the past year and a half, they have not had to make a second run to any of the residences at which they made an arrest and brought the people through the court. This specialized system is offering an opportunity for people to learn different ways than violence of resolving their disputes.

Once we made a policy determination that the system was to be designed to help people rather than the reverse, it was easy to find ways to accomplish that. We have included night sessions which begin after six o'clock in the evening. At that time rush hour traffic is significantly reduced, parking becomes available on the streets at no cost, the court building is easier to secure as most of the employees have left, the litigants who have daytime jobs are able to appear in court without having to interfere with those jobs, and so on.

The single most important position the court can adopt is that of education for both the defendant and the victim. To enable both people to learn that they, and they alone, are responsible for their own behavior will go far to reduce domestic violence. For both parties to learn that they are not responsible for the pleasure or the pain sensed by the other person, but rather for their own pleasure or pain, they will not hold the other person responsible or retaliate with violence. If everyone in the community knows that violence is wrong and that violence will be punished then there is a certain predictability that has been lacking in the court system. Democracy functions best in a predictable environment. We know that everyone is supposed to drive on the right side of the road rather than the left side of the road and our traffic flows pretty well because of that notion. We must include education for both parties because failing to identify the problem as a problem is similar to an alcoholic who denies that he has problems with alcohol.

The cost to society in time lost from work, psychological losses, wasted energy and resources of the community, and demonstrating to the children of these families of violence that violence is an acceptable way of resolving conflict, will propagate that idea for further generations. The costs are immeasurable.

Animals prey on weaker animals. It is not wrong. It is just a fact. We are not animals in the same sense, and for us, preying on the weak is wrong. We can express values and that makes us different from animals. When people complain that taking violence from sports, television, and music is showing that we are weak, they are wrong. Rather it shows that civilization is choosing to distance itself from animals and find alternative ways to resolve conflict.

Judy Hughes

Violence against wives--indeed! Violence against women in general is as old as recorded history, and cuts across all societies and socio-economic groups.

In pre-revolutionary China a common proverb was, "A wife married is like a pony bought; I'll ride her and whip her as I like."

Under English common law a husband had the legal right to use force against his wife if she disobeyed him. In fact, the popular phrase "rule of thumb" derives from the common law that when disciplining his wife, a husband should use a stick no broader than his thumb. Judicial decisions in England and the United States upheld this right until well into the 19th century.

In Nepal, female babies die from neglect because parents value sons over daughters.

In Sudan, girls' genitals are mutilated to ensure virginity until marriage.

In India, young brides are murdered by their husbands when parents fail to provide enough dowry.

In the United States, the National Center for Disease Control has reported that "Attacks by husbands on wives results in more bodily injuries than rapes, muggings, or auto accidents combined." According to the U.S. Department of Justice, every 15 seconds a woman is beaten, and each day at least four women are killed by their batterers.

In all these instances, women are targets of violence because of their sex. This is not random violence, it is one-directional, and the risk factor is being female. Even more significantly, it occurs without remorse or protest. Societies tacitly condone it through laws, customs, and court opinions that blatantly discriminate against women.

What can be done to break this cycle?

MASS MEDIA CAMPAIGNS

Despite it's prevalence, spouse abuse has been a secret crime. The legal system and the public have been reluctant to get involved in what has been seen as a "private family matter." In the past five years we have begun to see more publicity but much more is needed.

Women who enter our shelters or call for help are a diverse population but they all have one thing in common. They all feel that they are alone and are amazed to discover there are other women who are experiencing violence also.

Mass media campaigns would increase public awareness. Violence against women takes place because the perpetrators feel, and their environment encourages them to feel, that this is an acceptable exercise of male prerogative, a legitimate and appropriate way to relieve their own tension or to enjoy a feeling of supremacy. I agree that stress is a major cause of abuse, however, I disagree that poor impulse control is a factor. Abusers do not strike out against their boss, friends or neighbors. Abusers choose who to hit and where to hit.

Mass media campaigns that publicize the number of abusers going to jail would help abusers realize this is not acceptable behavior.

One of the hardest things about my job is seeing the children who enter shelter with their mothers and how the violence has affected them. Children are the forgotten victims of couples caught up in abusive relationships. These children are often overlooked by the helping professionals unless they are victims of physical or sexual abuse. Children in violent families have intense feelings of anxiety, fear, conflict and guilt. Children who witness abuse have difficulty with their own identity. They don't want to identify with their father seeing him as mean and hurtful. They don't want to identify with their mother, seeing her as weak and unable to protect herself. This insecurity leads to low self-esteem, behavior problems in school and at home, and emotional scars that last a life time. Eighty percent of abusers have grown up witnessing abuse or been abused themselves.

Mass media campaigns concerning the emotional impact of domestic violence on children would help society realize the generational cycle of abuse.

More made-for-television movies and documentaries such as, "The Burning Bed", "Shattered Dreams", and the "Lisa Bianco and Tracy Thurman" stories would help us all become more aware of the devastation of this crime.

DEVELOPING ECONOMIC ALTERNATIVES FOR BATTERED WOMEN

When a battered woman leaves an abusive partner she has few alternatives. Shelters are only bandaids and cannot sustain her and her children for very long. Trying to find decent, affordable housing in the Evansville area is like looking for a needle in a haystack. Section 8 certificates are filled up until the end of the year. Transition Housing Programs are needed to help her become financially stabilized.

Decent and affordable day care is another economic problem. In the Evansville area we have several day care facilities but the Title XX slots are always full with a long waiting list.

IMPROVING THE CRIMINAL JUSTICE SYSTEM

The Probable Cause Law (past in 1985) has been a big step in helping the police in Domestic Violence cases. However, in many counties in Indiana it is not being used.

Protective Orders have helped, but many times the abuser is just escorted away from the house by the police, only to return and continue the abuse.

Police Departments need to adopt Domestic Violence procedures. In October of 1989 the Evansville Police Department adopted and implemented a standard operating procedure for domestic violence calls. We have seen a big increase in arrests and more women are getting the help they need.

More court Mandated Batterer's Programs are needed. Studies have proven that these programs are working. Very few men seek help on their own. Most abusers feel that the woman is to blame and do not take the responsibility for their own behavior. A court mandated program was started in Evansville last year. Ninety referrals have been made in a 12 month time span. More trained facilitators are needed to accommodate these groups.

EDUCATION\PREVENTION

Mandated training on domestic violence for police, prosecutors, judges, and health professionals.

Curriculum in the schools on domestic violence just as we've done with alcohol and drugs.

More support groups for women such as HEART (Help End Abusive Relationship Tendencies).

Conferences and workshops, like this one, are needed to help agencies, police, judges, prosecutors, shelter workers, health professionals, and the public network together.

During the first few months as a shelter director, I learned that only providing a safe space for women and their children would not solve the problem. We must work cooperatively together to fight this cycle of violence.

I appreciate the opportunity to be here today and commend Senator Coats' and his staff for taking the initiative in pulling us together.

Thank you.

Linda M. Edington

We can continue to pull battered women and their children out of the river or we can keep them from falling in. Continued intervention for battered women and batterers is an important piece of prevention. Active prevention strategies will do the most though to end the cycle of violence in the lives of children.

The ramifications of spouse abuse are extensive. The following are recommendations for breaking that cycle:

1. Because it is unknown if batterers and battered women witnessed violence between their parents or were victims of abuse themselves, to break the cycle, services and support groups for children are critical. This is intervention now and prevention for the future. Children need to learn that violence is not their fault and that violence is not acceptable behavior. If children learn this message at an early age and have an opportunity to learn conflict resolution and power over a primary partner is not acceptable, their adult relationships will be equal and safe.

2. A curriculum on skills for violence-free relationships needs to be adopted by the Indiana Board of Education and required in every school in the state. Minnesota has already done this. The curriculum reduces the likelihood of adolescents becoming the abused or the abuser in a relationship.

3. Battered women leave abusive relationships when they feel supported to do so and have learned escape skills. More support groups for battered women, their children and batterers would provide them with the encouragement to say no to violence, to get information about available community resources and to learn other behavior. Battering tactics and victimization is learned over time and on-going support groups recognize the

changing of this behavior takes time as well. This resource is intervention and prevention simultaneously.

4. To ensure battered women and batterers are getting different messages for service providers a code of ethics and a monitoring system needs to be developed. Service providers often recreate the same power and control behavior which keeps batterers and battered women from learning a different model.

5. In a study by Gondolf and Fisher, Battered Women as Survivors, the research found that when a woman felt economically independent she left or stayed away from an abusive partner. This means more economic resources for women, equal pay, enforced child support, increased education and job training for women.

6. A unified approach by the State of Indiana would assist the current intervention and prevention efforts. A Domestic Violence Commission made up of the following: Dept. of Human Services, Dept. of Education, Dept. of Corrections, Dept. of Public Welfare, State Board of Health and the Criminal Justice Institute. This Commission would provide institutional support for the many components to break the cycle of violence, it also would develop policies for implementation of all department recommendations and assist in soliciting secure and sufficient funding for all services.

7. Mandatory reporting, mandatory arrest of batterers and mandatory attendance in batterers' groups would break the cycle of violence. These tools would also provide more accurate numbers of domestic violence incidents in the state, would immediately consequent the batterer for the criminal action and would reinforce the idea that batterers can unlearn the violence they have learned.

8. In her report, Lori Heise stated that educating mothers is the single most effective way to reduce child mortality because it erodes fatalism, improves self-confidence and changes the power balance within the family. The same is true for domestic violence. When we give battered women safe space to identify their options, assist them with the necessary resources and information on escape skills and different role models we will work towards the elimination of generational domestic violence.

Beth Stein

When I look back over the history of Crisis Connection, I feel that three different stages have evolved during the organization's growth into a volunteer-based rural domestic violence victim assistance program. Those stages have been: EDUCATION, COMMUNITY INVOLVEMENT, and NETWORKING. It is through

these stages that I feel we are beginning to break the cycle of spouse abuse in our rural community.

EDUCATION--In the beginning, people of the community had to be educated on what domestic violence was and then convinced that it was actually happening in rural southern Indiana. A few interested persons were curious enough and enrolled in a domestic violence crisis intervention training program in Evansville. A public forum was then set up to see what kind of response the community in general would have to a rather controversial issue such as domestic violence. From that forum more interested persons were trained and then funding was actively pursued for the establishment of a local hotline. IF there was a program, and IF someone wanted to talk about it that seemed like the logical way to see if there were victims in the community.

COMMUNITY INVOLVEMENT--The hotline was established October 1, 1984, and manned with local volunteers. Four calls were logged on the line in the first three months. This may not seem like a lot, but remember, we were still not convinced that a rural area, our rural area, could possibly have a problem with domestic violence. Since that initial set-up of the hotline and the core group of volunteers, volunteers began to not only see the need for the hotline volunteers, but also volunteers to transport victims and their children to local shelters for safety and to emergency rooms for treatment.

More volunteers were needed to take over these responsibilities and to keep an on going community education process in place. It became evident that one process had built a need for another. With education came involvement, and with involvement came the realization of the big gap in services for rural domestic violence victims. Shelters in the area were all located in urban settings. Needless to say, a woman would sometimes be transported to a shelter and within hours or a day later returned back to the area in order to go to work. Safe homes evolved from the need of these victims to return to work and to stay close to family and friends for different types of support.

Many victims in a rural area are women who have married and moved onto the "husband's family farm". Most of the time, that leaves the woman either "stuck" or "homeless". Safe homes are residences of local volunteer families who are willing to open their homes up to these victims and their children for short periods of time or until an alternate housing arrangement can be established. With the victims wanting to put their lives back together in the local community, ongoing support and advocacy was rapidly becoming a much needed service. The need for at least a full-time staff person and more volunteers began to become quite evident. Volunteers became trained not only in crisis intervention but also advocacy face to face. The initial response system is in place and is workable. That now brings Crisis Connection and our community to the important next step in strengthening the community response to domestic violence.

NETWORKING--The many needs of the domestic violence victim can only be met by working or "networking" with all existing agencies, organizations, churches and criminal justice systems. The process that Crisis Connection is now becoming more and more concerned about is this networking between existing services. It is our goal to set up a Domestic Violence Task Force in each of the counties we serve. This Task Force will consist of: law enforcement professionals, the prosecutor, judge(s), local mental health center professionals, hospital emergency room professionals and volunteers from Crisis Connection, the local victim protocol for handling domestic violence incidents, abusers and its victims. The protocol would not only involve law enforcement professionals but all of the agencies listed.

EDUCATION, COMMUNITY INVOLVEMENT, AND NETWORKING are the beginnings of a very complex, yet simple, community approach to breaking the cycle of spouse abuse in a rural community.

The Honorable Dennis Carroll

Judges have an important role to play in combating spouse abuse. Judges are understandably cautious when asked to step into the arena of public debate. If society is to continue to trust our judgements, it is only because they believe that we are neutral and impartial.

Neutrality in decision-making, however, does not require that we be passive community leaders or that we be uniformed about the world in which we live. The ABA Model Code of Judicial Conduct specifically provides that judges may speak, write and participate in activities concerning the law and the administration of justice. The commentary to Canon 4 provides, "As a judicial officer and person specially learned in the law, the legal system, and the administration of justice..."

Professor Robert McKay argues that a Judge "is likely to be a better dispenser of justice if he is aware of the currents and passions of the time, the developments of technology, and the sweep of events."

If it is true, then, that Judges have some role to play in understanding and solving this important social and legal problem? First, we must educate ourselves.

Judges are continually working to stay abreast of the law and the subjects which concern them professionally. We should learn what we can about victims of family violence.

Judges need to know that in addition to actual physical violence, spouse abuse can occur in other ways: isolation,

emotional abuse and intimidation, economic abuse, using male privilege and using the children.

We all need to understand that spouse abuse often involves physical violence. But whether the victims are physically or emotionally beaten, the injuries are real.

Judges, like everyone else, need to have some sense of the magnitude of the problem. It is estimated that almost two million American women are the victims of domestic violence each year.

Second, we should work to improve the administration of justice as it relates to victims of spouse abuse. Judges should insure that the legal system provides prompt, courteous and due consideration to the needs of all persons who look to that system for justice and fairness. When we issue restraining orders and protective orders, we should be prepared to enforce those orders. Violent behavior should be a factor in setting bail. It may be appropriate to have a no-contact order as a part of a conditional release. Judges should use their authority to prevent unnecessary delays and continuances which keep victims on an emotional roller coaster. We should ensure that our probation departments take domestic violence seriously and include restitution to the victim and treatment for the offender as mandatory conditions for suspended sentences.

Finally, Judges should support local efforts to combat domestic violence. As a leader of the community, a Judge may serve as a consultant to a domestic violence commission. Such participation provides the Judge with both an opportunity to learn and to listen, and the opportunity to provide an important judicial perspective on the various issues that may come before these groups. Judges may also encourage funding for important community services and projects. It costs money to staff a shelter, operate a hotline, to provide treatment for offenders, and training for the law enforcement personnel.

Judges should support the necessary expenditure of public funds to make our laws humane and effective and our judicial system responsive.

The solution to domestic violence will require the concerted efforts of many people; victims and victim advocates; police and prosecutors; shelter directors and social scientists; legislators, mayors and governors; and yes, Judges. If Judges are to have oversight responsibility for the third branch of government, and we do, then we must serve the public interest affirmatively by taking necessary steps to see that the legal system serves the legitimate needs of all participants including the needs of victims of domestic violence.

Dr. Greg Hale

TEACHING MEN TO LIVE WITHOUT VIOLENCE HELPS
TO BREAK THE CYCLE OF SPOUSE ABUSE

Physical violence is occurring in the American family at an alarming rate. It is reported that intrafamily violence occurs in one out of every three families. The statistics in family violence are at the same time staggering, and almost unbelievable. The very notion that abuse occurs within a family, in any form, strikes most of us as appalling. As a result, the true incidence rate may never be known. Our own reluctance to confront a social problem residing within the family is part of the dilemma.

Hunt (1977) suggests that wife beating is by far the most underreported violent crime in America. Walker (1979) estimates that 50% of all women will be battered at some point in their lives. Even if the exact incidence rate remains unknown, the widespread occurrence of conjugal violence can no longer be doubted.

The research literature devoted to marital violence has grown enormously in the past fifteen years. From the period 1939 to 1969 one of the major family journals, Journal of Marriage and the Family, does not include even one article with violence in the title (Wardell, Gillespie, & Leffler, 1983). Presently there are several journals publishing research solely focused on family violence issues. A recently published annotated bibliography listed over 1700 articles and/or books on spouse abuse (Engledinger, 1986). The increase in marital violence research reflects the growing public and professional awareness of spouse abuse.

We must now look ahead at possible methods to break the cycle of spouse abuse. Spouse abuse is a social problem in that many of the underlying beliefs of our society and culture permit us to blame the victim for his or her malady. Unfortunately, women who are battered are often made to feel that they could and should have done something to get out and away from the batterer. They are made to feel that way by those who are assigned to protect them and their children (counselors, medical personnel, prosecutors, police, judges, and family members). Too often the wrong question is being posed. The proper question is not why does she stay?, but rather, why does he hit?

Men and women are equally likely to be the victims of conjugal violence. However, men tend to be bigger, stronger and it is women who suffer more serious injuries. In addition, when women strike back, it has been shown that it is usually in response to being battered over a period of time. Men are violent in an effort to control their partner, not out of self-defense.

Men who commit conjugal violence share many notable characteristics. These men have difficulty accepting responsibility for their violent behavior; they minimize and deny their violence; they tend to blame the victim for the violent outbursts; they are overly dependent on their partners, especially for their emotional needs; they usually do not communicate well with words, especially when communicating emotions, and tend to feel isolated from other, with few close friends; and they often do not learn from negative behaviors and the subsequent consequences. Because of this, male batterers tend to be a difficult group to have in psychological treatment.

Accountability is the primary issue in treating the male batterer. Batterers must be held accountable for their violent behavior. Because wife battering is primarily the result of social learning, batterers need to unlearn previously acquired behaviors which have resulted in men controlling women and children with violence.

It must be remembered that all types of violence have one thing in common, they are against the law. As a society, we need to encourage our police, prosecutors, and judges to respond in accordance with the law. It is also recommended that we advocate the following:

1. Continue to provide shelter for women and children in need of safety from abusers;
2. Educate police, prosecutors, and judges about family violence. Clearly arrest and intervention by the criminal justice system is the most effective deterrent to continued violence in the home;
3. Mandated counseling for men committing conjugal violence. Studies continually point the possibility that some men can change their violent behavior;
4. Establish a community based system for coordinating the help provided to the victims of domestic violence, and the programs providing treatment to batterers.

As a group of people, we must be committed to the goal of holding men accountable for their violent behavior, and then helping them to make changes in their lives so that they will live nonviolently. Changing ourselves must begin with altering our negative thinking about battered women, and mandating counseling to the perpetrator of conjugal violence.

Dixie Arter

What can we do to strengthen the image for additional funding?

Is it possible to have a one stop shopping system for the woman? This could include welfare case work, township trustee support, child protection services, displaced homemaker training and whatever other programs that are needed for the victim.

Could this type of program be located at the shelter and the support people be scheduled for a certian time each week?

Could forms be simplified and standardized so that all the information needed by the other agencies could be gathered at one time. This would not include the confidential information that the shelters need. Could the shelters work with the various agencies to facilitate such a form to make less work for all including the client?

Is it possible to administer the shelters by region or district? Could a case worker go into areas and take care of the needs of the women, but not need to do all the paperwork for charging of services? This could be done from a central location where the shelter is already located. Would this be more cost effective?

Do we really know what resources are needed? Do we know how much these resources cost? How much time does it take to do an assessment? What kind of information is really necessary? If we have this type of information it is easier to ask for funding.

Do we really know the number of spouses that are killed each year? Do we have any hard facts on the number that are hospitalized each year? Can we obtain that kind of information? This certainly makes it easier to request funding with hard data.

Can we work with the State Department of Education to start an education program for children in K-12 that has a curriculum that deals with relationships including conflict resolution and self-esteem? We could work with teachers in every school in the state in this manner.

Included in this could be ways of breaking the cycle of family violence. Children need to learn how to resolve conflicts without battering abd give them the ability to love and respect themselves.

How about educating the law enforcement agencies on how to use the new legal tools that they have to deal with domestic violence? Then perhaps PSA announcements could be used to help everyone understand that family violence is a crime and to recognize what to look for.

What would happen if the women were left in the home and the batterer taken out by the courts? She could stay in the home and he could be sheltered at a work release program. Could counseling be mandated by the courts for the family? Perhaps he could be mandated to pay all living expenses and support. This would be one way of not uprooting the victim.

Would this concept provide a safe house for the victim? Is this a program that could be designed on a trial basis in a community where there is a work release program?

Does a change in the law concerning disbursements need to be made for the shelters to draw down their funds more easily? How do we do this?

Do we know where all the legislators stand on domestic violence? Have we taken a hard look at their voting records? Do we know where the candidates running this fall stand on domestic violence?

I would like to propose some type of standard question that can be asked of all candidates before the election.

Example:

What do you know about domestic violence?

Are there any shelters in the district you are running in?

Have you been to any shelters?

Do you know anyone that has been abused?

How do the police departments in your local area view domestic violence?

We must have facts and hard data about costs of lives and injury, including total costs that we are currently paying. This will make a stronger case for reallocating the monies toward prevention and treatment as the dollars are already being spent. They just need to be redirected.

CONFERENCE PARTICIPANTS

U.S. Senator Dan Coats--Senator Coats was first elected to the U.S. House of Representatives in 1980 and was appointed by former Governor Robert D. Orr to the U.S. Senate in January, 1989, to fill the seat vacated by Vice President Dan Quayle. Senator Coats is especially interested in family issues and serves on several committees which deal with the issue. He is Republican leader of the Labor and Human Resources Subcommittee on Children, Family, Drugs and Alcohol and is also a member of the National Commission on Children and the National Commission for Drug-Free Schools. In the House of Representatives, he served as the Republican leader of the Select Committee on Children, Youth and Families. Among his most important accomplishments in the U.S. Congress is the American Family Act. The act includes 26 separate pieces of legislation designed to strengthen the American family through improvements in education, child care, and helping "at risk" children. In June, 1990, Senator Coats was honored as Family Service America's "Man of the Year." Other recognitions he has received include the American Home Economics Association "Friend of the Family Award" in 1987, and in 1989 he was named "Headstart Man of the Year" for Region V, which includes Indiana, Michigan, Ohio, Illinois, Wisconsin and Minnesota, for his longtime support of this program to help disadvantaged children. Senator Coats is also a member of the Senate Armed Services Committee and the Subcommittee on Aging of the Labor and Human Resources Committee. He holds a B.A. degree in Political Science from Wheaton College and a J.D. with honors from Indiana University School of Law at Indianapolis.

Professor Suzanne K. Steinmetz--Professor of Sociology and Director of the Family Research Project, Indiana University-Purdue University, Indianapolis. Professor Steinmetz is credited as being one of the founders of the field of family violence and the first scholar to bring the problem of elder abuse to the public in her congressional testimony of 1978. She is author/editor (or co-author/editor) of nine books including: Marriage and Family Reality: Historical and Contemporary Analysis (1990), Duty Bound: Elder Abuse and Family Care (1988), Family and Support Systems Across the Life Span (1980), and Cycle of Violence: Assertive, Aggressive and Abusive Family Interaction (1977). Professor Steinmetz has testified before the U.S. Senate and House of Representatives and joint congressional committees as well as provided testimony for the United Nations on family violence. She frequently provides expert testimony for state legislatures and testifies for cases involving domestic abuse. Professor Steinmetz has appeared on the Donahue Show, Today, Hour Magazine, Larry King, Oprah, TBS and CNN as well as local and regional educational and news programs. As Director of the Family Research Project, Professor Steinmetz is committed to providing technical (research-based) assistance to private, public and government agencies in Indianapolis as part of IUPUI's

mission to serve the Indianapolis community, in addition to maintaining an active basic research agenda.

MODERATORS

The Honorable Linda Chezem--Indiana Court of Appeals, Presiding Judge, Fourth District. Judge Chezem is a former Judge of the Lawrence Circuit Court, Lawrence County, Indiana. Judge Chezem has been an active participant and leader in bench, bar and civic activities all of her professional career. Her expertise is sought both locally and nationally on the issues of civil litigation, judicial education, substance abuse prevention, treatment probation and sentencing matters and issues of relationships of courts to the community. On October 1, 1982, Judge Chezem became the first woman in the State of Indiana to ever serve as a Circuit Court Judge. During her time on the Circuit Court Bench she created several new approaches to dealing with the problems of crime and its relation to substance abuse through innovative probation and sentencing programs. As a trial court judge, Judge Chezem presided over more than 175 jury trials. The cases heard ranged from products liability and class action matters to murder with death penalty. Judge Chezem graduated from Indiana State University, (B.S. degree, 1968), and the Indiana University School of Law, Bloomington (J.D. degree, 1971).

Susan Smith--President, Family Services, Inc., Lafayette. Ms. Smith has been with Family Services, Inc. since 1979 and also during this time has been involved in advocacy efforts for relationship violence. Family Services, Inc. provides counseling and assistance in the areas including alcoholism, domestic violence, eldercare/supportive services to aging, homemaker service, and adult protective services. Ms. Smith is a member of the statewide task force which developed adult protective services. She is also a former member of the Child Protection Team in Lafayette and a co-founder of the Rape-Crisis Center in Lompoc, California. Ms. Smith served as Director of outpatient services in the Bluebonnet Psychiatric Center in Bryan, Texas, for four years. Prior to this, she worked as a consultant to the Vandenburg U.S.A.F. in California and developed crisis programs for families. She holds a B.S. in psychology and social work from Chapman College in California and a M.S. degree in clinical psychology from Texas A & M University.

Jim Hendricks--Associate Professor of Criminal Justice and Criminology, Ball State University, Muncie. Prior to his

appointment in his current position, Professor Hendricks served as Chief Deputy Sheriff for the Delaware County Police Department. He has worked in state and federal prisons in Illinois for three years as well as in psychiatric hospitals in Washington, D.C. and Chicago. Professor Hendricks' book, Crisis Intervention, was published in 1985 and his new book, Crisis Intervention and Criminal Justice in Social Services will be published in 1991. He has also published 25 articles in journals on the issue of crisis intervention. He currently is President of the National Academy of Crisis Interveners and a member of the Education and Training Committee for the International Association of Chief of Police. He holds a B.S. degree in psychology, an M.S. degree in counseling, and Ph.D. degree in higher education and criminal justice, all from Southern Illinois University, Carbondale, Illinois.

PANELISTS

The Honorable John Baker--Judge Baker has recently completed his first year on the Indiana Court of Appeals. Prior to this, he served as Superior Court Judge of Monroe County for more than 13 years. He also practiced law in Bloomington, Indiana, for a number of years. In 1989 the Indiana Coalition Against Domestic Violence presented Judge Baker with the "Pacesetter" Award for raising the consciousness of the judiciary to the problem of domestic violence. From 1987 to 1989 Judge Baker presided as President of the Indiana Judges Association. He also teaches as an Adjunct Professor at the Indiana University School of Law and School of Public & Environmental Affairs. He holds both his undergraduate and law degree from Indiana University.

Michael Barnes--Prosecuting Attorney, St. Joseph County. Mr. Barnes has served in his present position since 1978 and prior to this he was Deputy Prosecutor of St. Joseph County from 1973 to 1978. He has received several awards for his work, including the Pacesetter Award from the Indiana Coalition Against Domestic Violence for Significant Contributions to the Issue of Domestic Violence and the Citizen of the Year award from the Indiana Chapter of the National Association of Social Workers. He has served as President of the Indiana Prosecuting Attorneys Council and served on the Board of Directors of several professional and community organizations. He holds a B.A. degree in history from Ambrose College and is also a graduate of the University of Notre Dame Law School.

Gale Beaton--M.S., A.F.M., Assistant Director, YWCA, Kokomo. Ms. Beaton has been the Director of the Domestic Violence Programs of the YWCA in Kokomo for the past ten years. During this period

she has provided and/or supervised services to over 900 battered women who have sought shelter and over 1,700 who have been involved in the agency's counseling services for victims of domestic violence. Ms. Beaton is an active member of the Indiana Coalition Against Domestic Violence and has served on a number of state and area task forces/committees working toward improving the legal and judicial services available to victims and to evaluate the quality of domestic violence services in Indiana. In addition to her duties with the YWCA, Ms. Beaton is an adjunct instructor in Sociology at Indiana University-Kokomo.

Barbara Borchert--Victim's Assistance Office, Vanderburgh County Prosecutor's Office. Ms. Borchert has worked in this position as a domestic violence investigator for almost two years. In college she worked at the Monroe County prosecutor's office for one year as an intern and eventually worked with the victim assistance coordinator. She is a member of the Rape Crisis Line and task forces dealing with sexual assault and child abuse. Ms. Borchert also coordinates the domestic abuse intervention program offered by the Vanderburgh County prosecutor's office. She obtained a B.A. degree in psychology and criminal justice from Indiana University.

Norma Bradway--Staff Attorney, Indiana Department of Human Services. For five years; have previously headed the advocacy unit of the Division of Aging, of Department of Human Services (which includes Adult Protective Services). For One year headed the Coalition Against Domestic Violence (funded through the Department of Human Services). Before this Norma was the Director of Legal Services of Maumee Valley (in Fort Wayne). Norma is a graduate of Ball State (history); also holds an M.A. in sociology from Ball State; I.U. Law School-Indy J.D.

Myrna Brown--Ms. Brown is Executive Director of Harbor House in Vincennes and founded and opened the Vincennes Shelter for battered women and their children in 1985. She is presently Vice-President of the Indiana Coalition Against Domestic Violence and serves as Legislative Chairman and co-ordinator for the coalition's domestic violence seminars. Ms. Brown is a member of the Indiana State Board of Public Welfare. Prior to opening Harbor House, Ms. Brown was area coordinator and office manager in Vincennes for Congressman Frank McCloskey.

Mary Anne Butters--Member of the Indiana Domestic Violence Prevention and Treatment Council. By profession, Ms. Butters is Communications Manager for AGMAX, Inc., a farmer's cooperative in Frankfort, Indiana. Prior to this, she worked as an

investigative reporter for the Indianapolis Star for seven years and served as Assistant to the Mayor (Richard Lugar) of Indianapolis. She has also been an advertizing account supervisor for the Volunteer Army in New York City. She is currently President of the Indiana Women's Political Caucus. Ms. Butters is a graduate of Indiana University with a B.A. degree in political science.

The Honorable Dennis D. Carroll--Judge Carroll has served in the Madison Superior Court, Division One, since November 1980. Carroll began his education at Anderson College, where he received his Bachelor of Arts degree in English and Education, in 1969. He received his J.D. degree from Indiana University's Indianapolis Law School, in 1974. Judge Carroll has participated in post-graduate and continuing education programs at Ball State University, the National Judicial College, and the Harvard Law School. Carroll is a member of the American Bar Association's Judicial Administration Division, the Madison County and Indiana Bar Associations, and the Supreme Court Select Committee on Judicial Ethics. Judge Carroll is also a consultant and lecturer for the National Organization for Victim Assistance in Washington, D.C. He also serves on the board of directors for the Madison County Urban League and the Indiana Judicial Conference.

Linda Clark Dague--Master Commissioner for Delaware County Superior Court, #3. In addition to her duties as Master Commissioner, Mrs. Dague is a partner in the Muncie, Indiana, law firm of Warner, Wallace, McLaren & Dague. She has received the American Jurisprudence Award in Family Law in 1981 and in Administrative Law in 1982. Mrs. Dague completed both her undergraduate and law degrees from Indiana University, and was an Associate Editor of the Indiana Law Journal. One area of special interest to Mrs. Dague is the practice of family law.

The Honorable Carr Darden--Senior Judge, Municipal Court of Marion County. Judge Darden currently serves as a full-time judge dealing solely with the issues of mental health and domestic battery since his appointment on June 1, 1989, by Governor Evan Bayh. From 1975 to 1989, Judge Darden served as Deputy Chief Public Defender and Chief Administrative Officer for the Office. As a deputy state public defender, he was responsible for representing indigent defendants throughout the state. Subsequently to leaving the State Public Defender's office, Judge Darden returned to private practice and also served as a part-time public defender with the Marion County Superior Court, Criminal Division, Room 2, for over seven years before being appointed Master Commissioner for Marion County Superior Court, Criminal Division, Room 6 in 1988. Judge Darden served in

the U.S. Air Force for four years and is a graduate of Indiana University with a B.A. degree in business and the Indiana University School of Law.

Frank Dearing--Probation Officer, Clark County Adult Probation Office. Mr. Dearing has been in his current position for two years and he has also worked in Lexington, Kentucky, with a private alcohol and drug services program. Prior to this experience, Mr. Dearing worked in Louisville with the Jefferson County Youth Shelter Program. This program establishes foster homes for adolescents who have been removed from their homes by the court for either their own personal use of alcohol or drugs or their family's use. He is a member of the American Association of Counseling and Development and also a member of the Public Offenders Counseling Association. He holds a B.S. degree from the University of Louisville in counseling and guidance and is currently working towards the M.S. degree in counseling and guidance also at University of Louisville.

Linda Edington--Chair of the Education Committee, Domestic Violence Network and State Coordinator, Indiana Department of Education. Ms. Edington has had many years of experience working to stop the cycle of violence. Her positions have included: board president of a battered women's shelter, shelter volunteer and staff member, conference planner for the Domestic Violence Network and consultant for producing the video, "Breaking the Cycle of Violence." She has integrated the work she has done with battered women into her work of chemical dependent families. Also, she highlights the correlation between child abuse and battered women as a key component to breaking the cycle of violence.

Captain Tom Fautz--Captain, South Bend Police Force; has served 17 years on the South Bend Police Force. He is commander of a special unit which deals with community and domestic violence, especially street level narcotics. He is currently working as a co-facilitator, counseling men on anger-management that are arrested for domestic violence. Captain Fautz has also served as a hostage negotiator.

The Honorable Evan Dee Goodman--Presiding Judge, Municipal Court of Marion County. He was appointed judge in 1982 and presided over Municipal Court #3 (located in Wishard Hospital), which was the Mental Health and Domestic Violence Court for Marion County. He was appointed by Governor Bayh in 1989 as presiding judge of

the Municipal Court, which includes 16 separate courtrooms, including civil and criminal courts. Judge Goodman has previously served as a deputy prosecutor as well as a defense counsel in Juvenile, Municipal and Superior Courts. He is a native of Terre Haute and a graduate of Indiana State University. Judge Goodman received his law degree from the University of Tulsa Law School.

Dennis Grimmer--Field Training Officer, Indianapolis Police Department. Officer Grimmer has been on the I.P.D. force for four years as a district officer. He has dealt with approximately 2,000 domestic violence incidents in his work on the police force and has received field training in dealing with the problem of domestic violence. He is a graduate of Indiana State University with a B.S. degree in criminology.

Dr. Greg Hale--Ph.D., Psychologist, Lennon and Associates, Indianapolis. Dr. Hale is the Program Director for the Domestic Violence Program in Indianapolis. He is well known for his Domestic Violence Men's Group which helps batterers learn to become nonviolent. In the past six years, Dr. Hale has been instrumental in developing and coordinating programs for male batterers. He has presented nationally his research results on the personality characteristics of the male batterer, and consults with community agencies in the development of treatment programs to help violent men with their families. Dr. Hale received his doctorate in Counseling Psychology from Ball State University. He is in private practice and provides counseling and psychotherapy for adolescents, adults, and families. In addition, he specializes in the areas of marriage and family therapy, anger control training, and sport psychology.

The Honorable Bob Hellman--State Senator. Senator Hellman was elected to the Indiana House in 1982 and re-elected in 1984. He served on the House standing committees for Education, Elections, the Judiciary, and Insurance and Corporations. During his first session in the House, he was selected by the membership as the Outstanding Freshman Democrat Representative. Senator Hellman was elected to the Indiana Senate in 1986. There he was selected as the Outstanding Freshman Democrat Senator. In the Senate, he serves on the Senate Education, Judiciary, and Pensions and Labor Committees. He is a member of the Board of Directors of Gibault School for Boys. Senator Hellman is a graduate of Indiana State University in mathematics, and St. Louis University School of Law. He serves as Assistant City Attorney for the City of Terre Haute, as well as maintaining a private practice.

Lt. R C Henderson--Lieutenant, East Chicago Police Department. Joined the East Chicago Police Department in 1968. From 1968 to 1972, officer Henderson worked as patrolman and from 1972 to 1976 he worked as a sergeant in the Patrol Division and Detective Bureau. From 1976 to 1989 he worked as a Lieutenant in charge of the Patrol Division and Juvenile Bureau. In his current capacity he is in charge of Public Relations, Crime Prevention, Research and Development and he is responsible for briefing press, visiting local schools, and giving presentations regarding drug prevention. In his police work, he has worked closely with shelters and in intervention of domestic violence disputes. Lt. Henderson is a graduate from Roosevelt High School and the Indiana Police Academy. He attended Callumet College for two years and has received certificates from the Indiana University Child Abuse Prevention Course and the Chicago Police Academy for work with street gangs.

Regina Horner--Victim's Assistance Program Manager, Hoosier Hills Pact, Washington County. Prior to Mrs. Horner's current position, she was self-employed and was an active volunteer with the YWCA Spouse Abuse Center, headquartered in Louisville, Kentucky. She has also worked with adult booster clubs. Mrs. Horner holds a B.A. in Business from Indiana University, Southeast. She has done public and school presentations on addressing the dynamics of dating in the context of healthy conflict.

Judy Hughes--YWCA Residence Director, Evansville. Ms. Hughes current work involves operating a shelter for battered women and transitional housing for low-income women. She has formerly worked in a mental health center for five years, with special work in child sexual abuse. She has been a member of the Indiana Coalition Against Domestic Violence for four years and is a member of the Evansville Coalition for the Homeless and several other community involvements in Evansville. She obtained her B.S. degree from the University of Southern Indiana in 1980.

The Honorable Steve Johnson--State Senator, District 21 (encompassing Howard, Tipton and the northeastern section of Hamilton Counties). Senator Johnson is Chairman of the Senate Ethics Committee and Ranking Member of the Senate Finance Committee. Prior to his tenure in the State Senate, he served two terms in the House Assembly. Senator Johnson is a small business owner in Kokomo and for 19 years was a member of the Chemistry Department at Indiana University. He holds a B.S. degree in Chemistry and an M.B.A. degree, both from Indiana University.

Linda Kluczinske--Founder & Executive Director, Operation Shelter & Project Help, Angola, Indiana. Operation Shelter initially began as an extension of the Steuben County Ministerial Association, which includes all 54 churches in Steuben County. Past activities include participation with the Ministries of Christian Charities. Ms. Kluczinske is an abuse woman herself. Also, former corporate advertising manager and homemaker.

Vicki L. McIntire--Director of Victim Witness Assistance Programs, St. Joseph County Prosecutor's Office. Ms. McIntire has worked in the St. Joseph County Prosecutor's Office since 1979. She established the St. Joseph County Court Referral Alternative Service Program in 1975. She has authored several grants for the establishment of local shelter programs, victim-witness assistance programs, and a citizen dispute mediation program. Ms. McIntire has been a frequent speaker on issues of spouse abuse and she has organized numerous workshops and training programs on victim assistance throughout the state of Indiana. She is a graduate of Indiana University at South Bend.

Linda L. Meade--A resident of Indianapolis, Ms. Meade brings a range of experience to the issue of spouse abuse. She is a former battered wife (now divorced) and has worked with many battered women as a Clinical Associate on the Crisis and Suicide Intervention Service. She serves on the Domestic Violence Network Education Committee and also volunteers with the Victims Advocate Program at the Marion County Prosecutor's Office. Ms. Meade is currently studying psychology at Butler University with plans to go into women's counseling. She is also Director of Production Services at Haynes & Pittenger Direct, an Indianapolis-based direct marketing and advertising agency.

John Meyers--Prosecutor, Tippecanoe County. Mr. Meyers has been Prosecutor of Tippecanoe County since 1979. Prior to this he served as Deputy State Attorney General and Tippecanoe County Public Defender. He is active in many community service organizations including serving on the Tippecanoe County Domestic Violence Task Force and on the Board of Directors of the Indiana Prosecuting Attorney's Council and as President of the Tippecanoe County Courts Commission. He also serves as Regional Director for Adult Protective Services. Mr. Meyers holds an A.B. degree from Indiana University and J.D. degree from Georgetown University Law Center.

Jeanne Voida-Milligan--A.C.S.W. Director of the Family Counseling Department of the Family Service Association of Indianapolis. Mrs. Voida-Milligan has worked with the Family Service Association for seven years, the last 18 months in her present position. She has also worked for four years as a social worker for the Indianapolis Public Schools. Her current responsibilities include coordinating the alternative to family violence program. She obtained a B.S. degree in social welfare from Purdue University as well as an M.S.W. degree from the University of Illinois.

John Nolan--Coordinator of Outpatient Consultation, Midtown Community Mental Health Center (affiliated with Wishard Hospital, Indianapolis). Mr. Nolan has worked for three years with abusive men who have been court-ordered to receive counseling. He is affiliated with the Domestic Violence Network as a former officer and current committee chair. Mr. Nolan's other responsibilities include working as a psychiatric consultant and liaison to an outpatient medical clinic of Wishard Hospital. He has also volunteered at a shelter for battered women and holds a M.S.W. degree from Indiana University.

Ruth Reichard--Deputy Prosecutor, Marion County and Administrator of Domestic Violence Unit. Ms. Reichard received her B.S. degree cum laude in 1982 from Ball State University. While in college she volunteered at Muncie's shelter for battered women and their children, "A Better Way." She graduated from the Indiana University School of Law at Indianapolis in 1985 and began working as a deputy prosecutor in Marion County in July of 1985. Ms. Reichard has developed the Prosecuting Attorney's Adult Protective Services Unit and has also developed the office's Domestic Violence Unit, where she has been an administrator of the Unit since May of 1986 when it began its existence. She has spoken at conferences throughout the country about various topics associated with family violence in the past four years.

Michael Sepich--Counselor and Trainer, Family Service Association of Indianapolis. Mr. Sepich received a Masters degree in Agency Counseling from Indiana State University. He has worked with families during the past 10 years. As a counselor/trainer, he works with families and with groups. He has been on the staff of Family Service Association of Indianapolis for the past four years and has participated in the Alternatives to Family Violence Program during this time.

Gail Smith--Co-Executive Director, Women's Alternatives, Inc. Anderson Indiana. Ms. Smith has eighteen years of experience in the field of domestic violence and counseling. She is Secretary of the Board of Directors of the Indiana Coalition Against Domestic Violence, on which she also serves on the Finance and Legislative Committees. She also serves on the Mayor's Commission on Domestic Violence. Ms. Smith's other involvements include serving on the Board of Directors of the Indiana Chapter of the National Association of Social Work; Vice President, Community Services Council of Madison County; and President of the Joy-Smith Corporation. She is an adjunct faculty field instructor at the IUPUI School of Social Work and was recently honored as the 1990 recipient of the Social Worker of the Year for Region Six. Ms. Smith holds a B.A. degree in social work from Ball State University and a master's degree in social work from Indiana University.

Beth Stein--Outreach Coordinator, Crisis Connection, Jasper, Indiana. The Crisis Connection is a rural domestic violence victim assistance program, which has been in operation with a hotline since 1984. Mrs. Stein has been with the group since its inception, first as a volunteer and since March, 1989, as Outreach Coordinator. She was formerly the Executive Director of North Spencer Community Services for 11 years in Santa Clause, Indiana. Mrs. Stein is pursuing a degree in social work from Vincennes University in Jasper.

Christie Stephens--Co-Executive Director, Women's Alternatives, Inc., and Chairperson, Mayor's Commission on Domestic Violence, Anderson. Ms. Stephens is co-founder of Women's Alternatives, a social service agency providing comprehensive services to victims/survivors of sexual domestic violence, homelessness and chemical dependency. She has worked with victims/survivors for twenty-five years having graduated from Anderson College in 1965 with a B.A. degree in sociology and social work. In addition to her work with Women's Alternatives and the Mayor's Commission on Domestic Violence, Ms. Stephens is a member of the Indiana Coalition Against Domestic Violence and the Indiana Coalition Against Sexual Assault. Ms. Stephens is also a poet.

Brad Varner--Deputy Prosecutor, Elkhart County Prosecutor's Office. Mr. Varner is also an associate with the Elkhart law firm of Slabaugh, Cosentino, Arko, Walker & Shewmaker, practicing general civil and criminal law. A native of Tell City, Indiana, he holds a B.A. degree from Purdue University in history and a J.D. from Valparaiso University Law School. Prior to his current positions, Mr. Varner served as a law clerk for two years to the Honorable Alan Sharp, Chief Judge of the Northern U.S. District Court.

Gloria Lowe-Walker--Executive Director of the Gary Commission on the Status of Women and President of the Indiana Coalition Against Domestic Violence. Prior to her position as President with the Indiana Coalition, Ms. Lowe-Walker also serves on the Coalition's Board of Directors and Financial Chair. She is particularly interested in issues concerning women and children, with a primary focus on domestic violence and its affect on the entire family. Her goals are to work toward the improvement and consistent application of laws, enforcement policies, and available services to families who are victims of domestic violence. Ms. Lowe-Walker is a member of the Urban League of Northwest Indiana and holds a B.A. degree in Sociology from Indiana University, Bloomington.

Craig Wildauer--Patrolman, The Indianapolis Police Department. Mr. Wildauer has served in this position for three years where he is responsible for covering an area in northern Indianapolis on radio runs, commonly encountering domestic violence disputes. Officer Wildauer has a B.S. degree from Ball State in criminal justice and a minor in counseling psychology. He has also had extensive training in interviewing and interrogation procedure. Officer Wildauer is a native of Indianapolis and graduate of Warren Central High School.

Cindy Wright--Coodinator, Domestic Violence Program, Salvation Army, Indianapolis. In her present position, Ms. Wright works in a residential setting with adolescents, battered women, and the elderly. She is a member of the Indiana Coalition Against Domestic Violence, the Domestic Violence Network for Central Indiana, and the National Association of Social Workers. She holds a B.A. in social work from Taylor University and a M.S. in social work from the University of Louisville.

The Honorable Joe Zakas--Senator Zakas is an attorney and, since 1982, has served in the Indiana Senate, representing Senate District 11 (located in Elkhart and St. Joseph Counties). Senator Zakas is Chairman of the Governmental Affairs and Transportation Committee, and also serves on the Senate Judiciary, Finance and Ethics Committees. In the area of domestic violence, he has co-authored Senate Bill 15, The Crime-Victim's Bill of Rights, which has become law. In the 1989 General Assembly, Senator Zakas sponsored legislation which would establish a protective order depository and would make it a crime to violate a no-contact order. He has also introduced a resolution which would amend the Indiana Constitution to allow

judges to deny bail if the defendant poses a clear danger to the community. He is a graduate of Notre Dame University with both an M.B.A. and J.D. degree.