THE PROSECUTOR’S ROLE IN HELPING
DOMESTIC VIOLENCE VICTIMS

by

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I dedicate this thesis to my mother Cheryl Lanell Williams-Saddler, Mom you have been my great inspiration through this journey for change. Everything that I do in life has a reason, a meaning and a purpose from the age of 1 year and 6 months my life changed forever when I lost you due to Domestic Violence and lack of help from the criminal justice system. I love you so much and miss you deeply. This thesis was a painful journey but I know you’re smiling down on me in heaven.

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ABSTRACT

THE PROSECUTOR'S ROLE IN HELPING DOMESTIC VIOLENCE VICTIMS

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This study examines the Prosecutors role when handling Domestic Violence cases and how they can better help serve battered women and their children without re-victimizing them through the Criminal Justice Juridical system by reviewing secondary survey data. Two statistical analyses were performed to determine if the current way Prosecutors are handling domestic violence cases are in favor to help the battered woman and their children or is it re-victimizing them and not helping them be safe. The hypothesis predicts there is a positive relationship between battered women and their children being re-victimized by the legal system and process.
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CHAPTER 1
INTRODUCTION

1.1 Then and Now

In 1984 Cheryl Williams-Saddler left her abusive marriage after almost 2 years of being beaten on a regular basis. Before Cheryl left she realized that the vow “till death do us part” took on a whole new meaning. She then sought services through Women’s Haven to get protection for her 2 children, who were 4 months old and 1 and ½ years old. As she utilized the services she never realized her husband was stalking her. Several times he had brutally attacked her: one time was outside in front of Women’s Haven. The police were called and took the statements of both Cheryl and the social worker who observed the attack. 5 days after the report was made, Cheryl found out by doing a follow up of the case, that the district attorneys were not going to prosecute the case they provided a reason being due to the lack of evidence. 3 days after her visit to the police station, Cheryl was found dead in an ally from a gunshot wound next to her estranged husband who committed suicide, leaving their two children behind.

(Fort Worth PD ASB Records, 1984)

In 2013 Jennifer Martel was brutally attacked by her boyfriend, Jared Remy, who slammed her face into a mirror. Jared Remy had 14 previous domestic violence arrests against 2 other women but the prosecutors stated they did not see him as a threat to society, bypassed having a dangerousness hearing, and allowed him to walk free without bail. The next day Jennifer Martel was found stabbed to death and Jared Remy was arrested for her murder. Jennifer was killed in front of their 4 year old daughter.

(Marcotte, 2013)

1.1.1 Statement of the Problem

Domestic violence is the most pervasive form of violence against women. One in four women will experience domestic violence in their lifetime; the National Coalition Against Domestic Violence (NCADV) has provided an recent estimate of 1.4 million women reported as being victims of physical assault by an intimate partner each year. The National Crime Victimization Survey, which was published in 2011 given by the United States Department of Justice and Bureau of Justice Statistics, provides a closer look on domestic violence by providing the most recent homicide data that the FBI has collected which breaks down the crimes committed against woman and who committed the crimes against them. The crimes that
are listed include, but are not limited to: aggravated assault, rape, sexual assault, and homicide. This data shows at least 100,000 violent offences against women in 2011 were at the hands of men that they had an intimate connection to. Although, it should be noted that this report does not provide information on stalking, harassment, and emotional abuse, all of which are indicators of domestic violence within a relationship (LaViolette & Barnett, p 4-9).

Nearly one-third of female homicide victims are reported to the local police department have been victims of domestic violence and domestic homicide (Report, 2010). Women and their children are at higher risk of being victims of domestic violence and domestic homicide. This increased risk is reportedly due to the lack of legal assistance inside and outside of the courtroom, and the lack of resources such as shelters and emergency help services (Dobash, Dobash, & Foundation, n.d.).

This study will focus on ways the prosecutors can better help serve battered women and their children without re-victimizing them through the legal process (National Coalition Against Domestic Violence, 2013). Although, through the years, some improvement in criminal justice has been made, examination of the two introduction cases above displays issues that are still occurring that are putting the lives of women and their children at high risk.

The author will be exploring domestic violence and the correlation between battered women and the judicial response; focusing on the prosecutor’s role in domestic violence cases and showing how a the battered women continue to be re-victimized in the criminal justice system. The author will discuss recommendations on how prosecutor’s role can help battered women and their children (Ptacek, 1999).

Texas Code of Criminal Procedure Chapter 5 Art. 5.01-5.07 details what the domestic/family violence prevention plan is and also goes into details that permits the victims to file a protective order against the batter. Authors Laviolette and Barnett (2014) discuss one of the main issues with the victim filing a protection order is that it isn’t an immediate form of protection for the women and children (LaViolette & Barnett, p. 76-78). An abuser often times
ignores the order of protection, which puts the victims in more danger. An order of protection can be very useful, because they are created to stop the batterer and in favor of the protection of the victims. However, the issue still remains that despite the order of protection no one is 100% safe because they have an order of protection. The author utilizes secondary research data: ICPSR Study No.: 3103, Survey of Prosecutors' Views on Children and Domestic Violence in the United States, (1999), along with Sage Series on Violence against Women, Ptacek's Battered women in the Courtroom, Buzawa's Domestic Violence and the criminal justice response, and series of scholarly journal articles.

Research Question: Does location matter in Prosecutor’s reports in how they would handle domestic violence cases?

H1: Prosecutor’s in Metro areas will differ from Prosecutor’s in Non-Metro areas.

1.2 Historical Background of Domestic Violence

In the early Roman law years a man could beat, divorce, or even murder his wife for offenses she supposedly committed as she was considered his property and not his partner. All these things were considered a private matter and where not to be discussed outside of the home (Santry, 2011). In the 15th Century the Catholic Church endorsed “The rules of marriage” which warranted the husband to stand as the judge of his wife. According to the "Rules," if a wife committed an offense, the husband was to act as the jury and judge and hand out punishment however he deemed appropriate (Santry, 2011). Many centuries following this, up until the mid-1800s, battered women had no major help from the community or the legal system. The abuse and violence against the wife was considered an acceptable way of living in most legal systems; it gave the husband authority over his wife (Buzawa, 2012, p. 2-5).

In 1964 California built the first battered women’s shelter through the efforts of local AL-Anon members who formed one of the first feminist movements. Around this time women began
to form a platform to share their issues with one another and talk about things that they were going through at home, this began a major feminist movement. Women began to realize that the abuse they received whether it was emotional, physical or sexual was not only done by total strangers but by their spouses (Lockhart & Danis, 2010).

In the 1970s, the movement for women’s rights fought for women’s voices to be heard and for the creation of policies against spousal abuse. In the United States towards the end of 1970’s, many of the courts were opposed to providing the husband’s with the right to be physically abusive to their wives. The activities of the feminist movement during this time bought together women through advocacy on behalf of women and children victims of crimes, especially domestic violence. The methods of approaching domestic violence where changed and attention was brought to the issues, no longer seeing them as private or personal matters, but bringing them into the public becoming a national concern and in the communities. This movement pushed for more punitive sanctions against batterers. Following this, women began to see the existence of battered women shelters to assist them when they escaped from their abusive relationships (Buzawa, Stark, & Buzawa, 2012).

In addition, various advocacy groups advocating for battered women began to see the asymmetry of the underlying intimate partner violence, the many barriers that block women from equal rights, and the power the relationships have on them. The advocates protest for more awareness of domestic violence including social concern for the battered women and any children that may be involved. Reformation of the criminal justice legal system began to occur and respond to domestic violence by addressing different areas in the system, such as domestic violence training of police and prosecutors and proper intervention programs for batterers (Meloy & Miller, n.d.).

Pennsylvania is home of the first state coalition against domestic violence known as Pennsylvania Coalition against Domestic Violence in 1975, which provided protective orders against the abuser. The National Association of Crime Victim Compensation was created in
1977 and the National Coalition against Domestic Violence was formed to bring awareness to domestic violence and provided preventative services and acts that following year in 1978. (Lockhart & Danis, 2010, p 30-31). It wasn’t until the nineteenth century when opinions and legislation changed regarding domestic violence in the United States (Domestic Violence Resource Center, n.d.). Although, in the last 40 years major change has happened, there are still some major issues in regards to judicial response and how the lack of help for the victim from the prosecution. This continues to affect the women and their children and places them at the higher risk of being re-victimized.

1.2.1 Definitions

The Author uses the following terms; domestic violence will be used to refer to the physical, emotional and/or sexual abuse of a woman by a male with whom she has or had an intimate relationship, regardless of whether or not they live together. Women who have experienced domestic violence will be referred to as victims or survivors. Using this term acknowledges the strength and resilience shown by women who have experienced or currently live with domestic violence.

Domestic Violence (DV): Any pattern of incidents or one incident of abusive, forced, controlled, coercive and threatening behavior; violence and abuse to member of family or an intimate partner, sexuality can vary. This term can encompass but is not limited to the following types of abuse: (USDOJ).

- Psychological: Elements of psychological abuse usually cause fear by intimidation; the partner threatens the woman to cause physical harm to her and the children. The abuser also destroys property and hurts the victim’s animals. The abuser forces the family into isolation away from family and friends (USDOJ).
- Physical: punching, pushing, biting, pulling down to the ground, are types of physical abuse. The abuser can also deny the victim medical treatment. He often times force her
to drinking alcohol or drugs if he wants to keep her sedated, he can also use that to his advantage if the victim called police they wouldn’t believe her if she is high or had been drinking (USDOJ).

- **Sexual:** The abuser forces the victim to any sexual acts without her full consent. Many victims experience marital rape, and sexual attacks which are forms of sexual abuse. (USDOJ).

- **Financial:** The abuser ensures he is in full control of the victims finances ensuring she is finally dependent on him, he controls all monies in and outside the household. The victim feels trapped because she doesn’t have money to move on he has also probably banned her from working and furthering her education because he wants to maintain the control (USDOJ).

- **Emotional:** The abuser enjoys tearing down his victims self-esteem day after day. These are scares that can’t be seen on the outside. The abuser calls her out of her name, belittles her in front of others and continues to keep his grasp of control the entire time (USDOJ).

- **Stalking:** A pattern of repeated and unwanted attention, harassment, contact, or any other course of behavior directly targeting their victim in order to cause them fear and more pain (USDOJ).

**Stalking can include:**

- Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email (USDOJ).

- Repeatedly leaving or sending victim unwanted items, presents, or flowers (USDOJ).

- Following or laying in wait for the victim at places such as home, school, work, or recreation place (USDOJ).

- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets (USDOJ).
• Damaging or threatening to damage the victim's property (USDOJ).
• Harassing victim through the internet (USDOJ).
• Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth (USDOJ).
• Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc. (USDOJ).
• Protective Order: A Protective order is a form of legal document that is set in place to prevent the abuser from coming in contact with his victim. This stops the abuser from causing harm to the victim. (This is the technical definition of Protective order, as I discussed earlier the intensions of the protective order was to protect but it fails to do that.)
CHAPTER 2
LITERATURE REVIEW

In this literature review, the author will provide research completed on domestic violence ranging from 1970’s to present. The author will also provide the perceptions surrounding women who are victims of domestic violence; and provide the reader with a full understanding of how the power of correct judicial response can break the cycle and change the effects of the victimization of women and their children. The author supports the hypothesis developed in Chapter 1 and in the following sub-sections provides: (1) an overview of literature describing how economics plays a role; (2) The reasons and theories why he abuses; (3) The signs of an abusive man; (4) The Cycle of abuse; (5) Reasons why women stay; (6) The Criminal Justice System response then and now;

2.1 Overview of literature describing how economics plays a role in Domestic Violence

The Bureau of Justice Statistics states that from 2001 to 2005 women that lived in households with lower annual incomes experienced the highest average annual rates of domestic violence abuse. Studies show those households low-income under $7,500 are at higher risk of being victims (Bureau of Justice Statistics).

Battered women who are living in low income communities are 10 times more likely to be victims of domestic violence because they are dependent on the income their spouse brings in, which is the abuser, he knows she is depended on him thus he continues to abuse her and uses finances as a way of baiting her (Goodman, L. A., & Epstein, D, 2009, p. 105).

Kimberly Eby’s (2004) study explores the recruitment of one hundred and seven participants for their study from five community resource centers that provide services to women in low income communities. In her study she explains that her participants were an ethnically
diverse group of women. Her study showed that the women were living with restricted incomes. The monthly income for participants was around $766.34 (Eby, 2004).

The results show that women in low income communities that were in abusive relationships reported higher levels of stress than the women who had not experienced an abusive relationship. Their symptoms would include, but were not limited to, migraines, trouble sleeping, anxiety where they would break out into sweats and their hands would tremble, heart would race and they would have the feeling of a black out.

Researchers Nam and Tolman (2002) investigated the relationship between domestic violence and women who live in low income communities and are receiving any form of welfare government assistance. (i.e. food stamps, Medicaid etc). These authors’ utilized data from a project called the “Effect of Violence on Work and Families”; This project consisted of women who were randomly selected in low income communities of Chicago. The study showed a positive correlation existed between women in abusive relationships was more likely to be receiving welfare than women who were in non-abusive relationships (Nam & Tolman, 2002). Earlier studies these authors reviewed, state that the men abusers sometimes abuse the women in order to feel power over them. He would inflict visible injuries to prevent her from going to work or hanging out with friends which is a form of isolation. Once the abuser has her isolated from family and friends he also isolates her from the monies that come into the household leaving her solely depended on him. If a woman has children and wants to leave the abusive husband financially she will not be able to support her and her children when she leaves and she feels she has nowhere to go. If she wants a lawyer to help her with the legal fight of prosecuting her husband she would eventually be denied legal services and the District Attorney’s office will then decide not to prosecute the case (Ptacek, 1999, p. 143-144). In an attempt to end domestic violence and provide help to battered women in low-income areas the Crimes Victims Compensation Program Act was funded.
Crime Victims’ Compensation Act

The Crime Victims’ Compensation Program Act (Texas Code of Criminal Procedure, Chapter 56), better known as (CVC) is a program that provides financial assistance to victims of violent crime. Texas Legislature passed this act in 1979. Though this policy is a great benefit to the victims, it is restricted to the ones who qualify, therefore limiting the resources that for women in domestic violence situations that are not United States Citizens (Attorney General of Texas). The federal code 42 USC 10602 was created to give exact information about how the Crime Victim Compensation was to be used. It gives information on how the funding for grants are formed and who is eligible for this benefit (Attorney General of Texas).

CVC assist the eligible victims with resources of up to $50,000 for changing their environment outside of the family violence household. These resources can include a one-time emergency relocation amount that can be up to $3,800 this money can be used for rent deposit, moving expenses and utilities. It also pays medical expenses, counseling expense for each eligible victim that can be up to $3,000. This funding also covers any lost wages and childcare for the person. The resources of CVC have been a help to the victims in lower income communities. Later the author will discuss why the women stay, how they are in the cycle of abuse and lack of resource knowledge (Attorney General of Texas).

Another theoretical approach will explain the psychologically based learning theories which contribute to the violence in low-income homes through financial stressors, dependency on the abuser, and observation or exposure during childhood which leads to an intergenerational pattern of abuse in these households.

Other Coalition’s and Acts to assist Battered Women

The National Coalition against Domestic Violence (NCADV) is a national leader in the effort to develop and influence state and federal legislation that can positively affect the lives of domestic violence victims and their children. NCADV assists domestic violence victims by
advocating at the local, state and national levels to help identify the issues facing both domestic violence victims and their children. They address these issues to the legislative body are the individuals representing victims and children. The Public Policy Office at NCADV has several partners that help with the execution of policies; one being the National Taskforce to End Domestic and Sexual Violence (National Coalition Against Domestic Violence).

Their legislative accomplishments are the passage of the Violence against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA). VAWA brings together the criminal justice, social service and public health systems in an effort to prevent and intervene domestic violence, dating violence, sexual assault and stalking in our communities. FVPSA is the largest funding source of emergency services for domestic violence victims and their children. This organization funds life-saving emergency shelters, crisis lines, counseling, and victim assistance. NCADV also helped with educating Congress on the domestic violence issues and promoted safety of the well-being of women and children involved (National Coalition Against Domestic Violence).

Shelters have been the most prominent resource for the victims of domestic violence currently; many shelters have limited space to help domestic violence victims. McCue states in her Domestic Violence Reference handbook that in the United States (1995) on average 40 to 90 percent of the women who have made a request for services were turned away due to overfilling or the women not meeting the criteria need to be at certain shelters. McCue uses the example of some shelters that won’t accept women who have teenage sons, some do not accept women with substance abuse issues and the list goes on (McCue, 1995)

Government funding begins to provide enough income to create resources for women and children who are victims of domestic violence. YMCA/YWCA (Young Men’s and Women Christian Association) and the United Way supported the idea and issued grants to help maintain shelters large enough to assist the victims. The shelters provided a safe place for the victims to get away from their abuser. They also have partnerships with other resources that
assist with employment, clothing, food, permanent housing, and psychological help for the women and children involved. The shelters also offered legal assistance, health care, and childcare. The legal assistance given included an advocate to go to court with the victim in support of her; giving the victim education on how the criminal justice system and process works; also assisting with visitation and filling out the proper forms for restraining orders and giving them information of victim’s compensation (Domestic Violence Resource Center).

2.2 The reasons and theories why he abuses

It is important to remember that men who abuse women usually thrive on creating what they want others to perceive of them. There are cases of domestic violence that have made public headlines, when the neighbors, friends, even co-workers are interviewed they usually describe the abuser as friendly, sweet, caring person, some may even say that he loved his wife and his children. If a woman was asked about the abuser they would describe him as having a hard time pleasing his wife, the abuser has painted himself to be victim of issues with his wife and describes her as uncaring, ungrateful, possibly he will even make up stories that she has not been faithful in the marriage to gain sympathy. An example of this is a case that occurred in 2003 involving Tacoma Police Chief David Brame, 2 children and his wife Crystal Brame (LaRosa, 2006). Many people believed what David would say about his wife how she was trying to destroy him, how he was not happy, he painted himself as good guy and abuser. When Crystal would try and report an issue with David to police they would ignore it.

Four of the most commonly referred to theories that explain domestic violence are the following: Social Learning Theory, Cycle of Violence Theory, Psychological Theory, and Feminist Theory. Domestic Violence theories provide an explanation to why some women are reluctant to end their abusive relationship, although it may seem abstract, the theories provide implications that are important for how the criminal justice system and professional advocates
can effectively respond to the problem. All of these theories provide an analysis of the different ranges of violence from micro and macro levels.

Social Learning Theory: This theory suggests that domestic violence is a learned behavior and that within the family system the violence is seen and repeated through the children who witnessed the violence. It also states that when victims stay with the batterer he could possibly believe his actions are okay and provide positive results in his eyes as well as the children. Boys may began to feel it is okay to batter girls and the girls may feel it is okay to endure the abuse which they then mimic the battering in their future relationships (Adamson & Thompson, 1998). This theory is very contradictory, recent studies show that many of the boys that witnessed the violence have vowed to not treat a woman like that because they witness the pain it put their mother through, as well as women being more aware of the signs of abuse and avoiding men who display signs of violent behavior.

In the 1970s the cycle of violence theory was developed by Lenore Walker which suggestions the reason for domestic violence and why she stays by providing an explanation of the patterns of the abusers behavior in the relationship (Buzawa & Buzawa, 2003). This theory states that once there is an established abusive relationship; each of these abusive relationships can be defined with the different phases of the relationship displaying repetitious pattern of violence; whether it is psychological, physical or emotional abuse. The phases usually go in a predictable order and can occur several times in the relationship, the cycle in full usually last a few hours when it starts and the victim will then notice the calming and the honeymoon phases have disappeared (Buzawa & Buzawa, 2003). This will continue to repeat until the victim leaves the relationship. Below are the phases of this cycle with brief description:

Tension Building Phase:
Occurs before the abuse and is tension rising in the abuser due to his passive aggressive behaviors and poor communication skills. The victim feels they must walk on egg shells or change their behavior in order to prevent violent outbursts. (Walker, 2000).
**Acting out Phase:**
The abuser throws objects at the victim, he then evokes physical violence towards her by hitting, choking, slapping, and kicking her. He may even abuse her sexually or use some form of weapon. When this occurs the victim cannot stop the abuser and he usually does this when no one outside of the home can witness it, the children may be involved are too afraid to call for help (Walker, 2000).

**Honeymoon Phase:**
During this phase the abuser ignores the problem and shows how much he “loves and cares” for the victim by showing her affection, he apologizes for his actions, he states it will never happen again. Typically the victim believes the abuser is sincere and wants to believe he loves and cares for her, she begins to think of ways to keep him calm and happy by trying to figure out what she feels she did wrong. The abuser may display several different feelings such as sadness or remorse, for what he has done. Depending on the abuser the different levels of this phase will show and not all abusers will do this phase, he may subject himself to making suicidal threats to play on the victims sympathy (Walker, 2000).

**Calm Phase:**
This is when the relationship appears to be normal, the victim slowly feels safe and that the abuser will never do it again, she becomes at peace during this stage during the first few cycles, eventually she will realize this stage is only temporary (Walker, 2000).

*Below is an example of this cycle of abuse played out:*

{A man abuses his partner. After he hits her, he experiences self-directed guilt. He says, "I'm sorry for hurting you." What he does not say is, "Because I might get caught." He then rationalizes his behavior by saying that his partner is having an affair with someone. He tells her "If you weren't such a worthless whore I wouldn't have to hit you." He then acts contrite, reassuring her that he will not hurt her again. He then fantasizes and reflects on past abuse and how he will hurt her again. He plans on telling her to go to the store to get some groceries. What}
he withholds from her is that she has a certain amount of time to do the shopping. When she is held up in traffic and is a few minutes’ late, he feels completely justified in assaulting her because "you're having an affair with the store clerk." He has just set her up.) Source: *Mid-Valley Women's Crisis Service* (Domestic Violence Resource Center).

Researchers have utilized the power and control wheel which was created based on Duluth Batter Women’s’ Shelter, were over 200 battered women where utilized through survey to create The Power and Control Wheel. (Appendix A). Every section of the Power and Control Wheel demonstrates the abuser’s methods in eight different ways to gain control of the woman (Dutton & Corvo, 2007). The eight different sections of the wheel consist of the following:

1. Making the woman insecure of her appearance, or how she feels by using intimidation (Dutton & Corvo, 2007).
2. Causes the woman extreme emotional abuse she begins to doubt her feelings and think she is over reacting (Dutton & Corvo, 2007).
3. One sections of the cycle of abuse wheel is isolation of his victim, this happens gradually, once she is depended solely on him for everything he convinces her no one is there for her or cares about her but him. He controls where she goes, who she is with everything she wants to do he is in control of it (Dutton & Corvo, 2007).
4. The abuser makes his behavior and the abuse to be not a big deal and the victim is over reacting, he will always say it is her fault during this stage. This stage is known as minimizing, blaming and denying (Dutton & Corvo, 2007).
5. Using the children stage is used more often if there are children involved, the abuser will use the children in different ways such as threatening the victim he will harm the children, or blaming her if he beats the children, using his power to make her believe if she leaves he will take the children from her (Dutton & Corvo, 2007).
(6) Male Privilege sections is him portraying that he is the man of the house and does what he wants when he wants and how he wants (Dutton & Corvo, 2007).

(7) Economic abuse is the section on the wheel where the abuser has her dependent on his income, he controls how much money she has and what she spends it on, he usually gives her an allowance, and if he doesn't give it to her he will say it is for something she did, this ties in with the other sections because she may need money for food for her and the children and he will say no because you did. And she begins believing that it is her fault, she does not call the police because he also tells her if the children are hungry and police come they will take them from you because you are an unfit mother (Dutton & Corvo, 2007).

(8) The abuser uses multiple threats, to hurt the victim and any children that maybe involved. This can be physical and or sexual abuse of the victim (Dutton & Corvo, 2007).

(9) Feminist Theory: Men abuse the woman to decrease her need for independence by controlling her, he remains dominant in the relationship (Dutton 1943- & Golant, n.d.).

(10) Psychological Theory: This theory is often used as an explanation of why the male batters by pointing out psychological disorders such as substance abuse, post-traumatic stress disorder, and the male having low self-esteem in himself and capability of being a man therefore he takes it out on his victim (Dutton 1943- & Golant, n.d.).

2.3 Signs of an abusive man

This section will give brief description of the most popularly theorized signs of an abusive man. These signs are often displayed through extreme jealous and possessive behaviors. The man becomes jealous over the woman's family, friends, and co-workers. He also tries to isolate her by making her “his woman” and even having children with her to make her more dependent on him. At the beginning of the relationship he displays small signs of jealously he wants the woman to feel that if he wasn’t jealous that meant he didn’t care and love her (Bancroft, 2002).
Eventually the jealousy increases and the victim is trapped with him enduring overwhelming questions and accusations. He accuses her of cheating or flirting with other men without cause. This usually tricks the women into believing she is doing something wrong to endure the issues and she feels she has a good man that she wants to keep therefore she sees these actions as true love. Typically the man at the beginning of a relationship may go through the woman’s phone (Bancroft, 2002), he will call her asking question of her whereabouts. He then increase the intensity by causing her to lose her job, and begin stalking the woman’s every move (Bancroft, 2002).

Another sign is controlling behavior. The abuser leads her to believe he is concerned for her well-being and starts by asking where she has been, or who she was with, making it appear as casual friendly conversation. He then begins demanding of the woman’s time. In a marriage he will have complete control over finances, the car, and the activities she decides to do. He often becomes angry if the woman begins showing signs of independence or strength (Sonis & Langer, 2008). The abuser is likely to excuse his controlling behavior by saying if he didn’t love the woman he wouldn’t care about where she goes and who she is with, this is another reason of why some women stay with the abuser because she believes this behavior is love. The man feels he is always right and has to be in charge this is superiority behavior where he always justifies his actions so he can be the right one he places the blame of his abusive behavior on the woman. He ties this with emotional abuse as well as calling her names in order to make him feel better. His goals are to make the woman feel weak so that he can feel powerful (Bancroft, 2002).

Often times women dating a man for short period of time and the man is quick to propose and lock her into a commitment with the pretenses that the relationship is perfect fairytale. This is called the quick involvement sign that is an issue if the man is displaying the other signs. These abusers are more dangerous because there is a underlying reason he is wanting to marry his victim so quickly and could lead to deadly relationship. The abuser will
pressure the victim to commit to the relationship. The abuser makes the victim feel guilty for wanting to take the relationship slower (Bancroft, 2002).

There are times when the man's mood changes from loving and caring to aggressive and abusive to loving and apologetic by stating, “When I promise to be kinder in the future that should be enough.” (Bancroft, 2002, p. 217). This is form of mood swinging behavior. He may also withhold sex, emotional intimacy or stop talking to the woman. The abuser will also be verbally abusive when he talks to the victim by criticizing and demeaning her. Often times the abusive man does not think there is anything wrong with his behavior and shows no respect towards the women in his life; because he feels they are worthless (Bancroft, 2002).

2.4 Reasons why she stays

The author provides some common reasons women stay in an abusive relationship Laviolette & Barnett (2014) state that being afraid of the abuser and what he would do to them if they leave is number one reason. Women have stated they fear leaving because “he kept finding me; I felt other people would die if I left; he was suicidal and I feared he would come after me as well” (p. 117). Women in abusive relationships are intimidated by the abuser and that fear grows. If an officer responds and nothing happens to the abuser due to not having enough evidence, once the officer leaves the abuser beats her worse, saying to her that no one will help you and if you try to get help you will regret it. Abusers threaten to inflict harm, or kill their victims if they choose to leave the relationship (LaViolette & Barnett, 2014).

This fear becomes a reality if children are involved the abuser makes false child abuse calls to child protective services or police then seeks sole custody of the children. The victim feels if she stays she can endure the abuse and protect her children from the abuser. The lack of criminal justice response and protection is also fearful to the victim. Over the years cases have been seen of the lack of assistance and failure to protect victims of domestic violence, the lack of support in the community to protect the women and children makes the victim feel re-
victimized, therefore she chooses to endure the relationship to keep her family together and not lose her children to the abuser who is favored by the legal system (LaViolette & Barnett, 2014).

LaViolette & Barnett (2014) shows “Among these issues are economic dependency, and religious practices” (p. 49-50). Finances and economic dependency hurts the victims who have probably been isolated from being employed and obtaining an education. The victim lacks transportation, family or friends because she has been isolated and does not have employment skills. She realizes she is limited in resources for supporting herself and her children therefore she chooses to stay (LaViolette & Barnett, 2014).

Religious practices and beliefs has the victim in a battle with her faith and her marriage. She begins to believe that God wants her to stay in the marriage no matter what the issues are and she doesn’t want to disappoint God by leaving the marriage therefore she stays in hope that the abuser will be reformed and allow God to heal him from his evil ways (LaViolette & Barnett, 2014, p. 57-59). Battered women who did seek help in their pastor or a church minister have reported that they stayed in their marriage because the pastor or someone from the church told them that God wanted them to stay and that God did not favor and bless people who went against what God wanted.

2.5 The Criminal Justice System response then and now

Prior to 1970, society viewed what we now call domestic violence as the norm. The police treated it as a family matter that needed to be handled within the family not by law enforcement. In the United States there has been some efforts made to punish the abuser and provide resources to the women and children through creating new laws and policies over the years, the issue still remains the lack of support of battered women in the courtrooms (Santry, 2009). Reflecting back to the two cases given in the introduction one dated 1984 the other dated 2013 show how there are still major issues when it comes to properly handling cases in the District Attorney’s office. Although restraining orders have been made available for victims this is clearly not enough to protect them from the abuser (Phillips & Sobol, 2008).
Civil and criminal law have had some major changes regarding the arrest policies in domestic violence situations. The Fifth and Fourteenth amendments states that the government cannot deprive a person’s liberties without due process of law, the Fourth amendment was created to protect citizens from capricious arrest unless there was probable cause of violence. Prior to transformation in policies and laws, the police department could not allow officers to make an criminal arrest for what was then considered a misdemeanor, at this time domestic violence was considered a less severe crime unless it was done in front of the officer (Buzawa, 2002).

Author Ptacek discuss the dilemmas the state have with intervening against the abuse of women. “State action responding to gender politics is simultaneously marked by the politics of class and race” (p. 13). In 1905 legislature passed laws by men only during earlier times based on what they felt was acceptable primarily because they were abusers in their homes and continued to view women as property. Before the 1970s police officers avoided formal police actions when it came to domestic violence, the reported incidents did not reach the level the officers deemed to need law enforcement intervention and this was due to the incidents not occurring in the presence of the police officer. There were no official actions taken when responding to calls at homes of potential victims (Ptacek, 1999).

By the 1970s domestic violence issues began to get noticed nationally and female advocacy groups began to protest and pressure state legislatures to change penal and procedural laws to assist battered women, in during so several lawsuits were filed against New York and Oakland, CA Police Departments stating they failed to protect battered women (Buzawa, Stark, & Buzawa, 2012, p. 163). The two cases that made the biggest impact during this movement were Bruno v. Codd, 1977 and Scott v, Hart, 1976; the court was able to see that law enforcement officials had lack of service to victims and left them to continue to be victimized instead of intervening on their behalf. Through these cases the police departments were forced to be more responsive in domestic violence situations and if they did not respond
accurately officers and their department can be held liable and face fines, injunctions and risk losing their job for failing to protect the victim (Buzawa, Stark, & Buzawa, 2012).

Policies and laws in favor of the victim of domestic violence and police involvement continued to evolve differently among the states, by the 1980s which ultimately forced law enforcement official and courts to change and create domestic violence polices by mandating arrest, which eliminates the officers desecration (Buzawa, Stark, & Buzawa, 2012). Between 1981 and 1982, a major influence on many state policies concerning domestic violence came out of the Minneapolis Domestic Violence Experiment.

This experimented evaluated the methods police officers responded and compared the effectiveness of each. Their research shows that making an arrest when going out on a domestic violence call was the best way to handle all domestic violence calls; it deterred the abuser from committing the violent acts towards their victim and provides an immediate response to assist the victim and any children that are involved (Sherman, Cohn, Sherman, & Cohn, 2013).

This study recommends that all states employ a mandatory arrest policy. As of 2013 only 22 of the 50 States in United States have enforced the mandatory arrest laws. The states that enforce mandatory arrest laws are: Alaska, Arizona, Colorado, Connecticut, District of Columbia, Iowa, Kansas, Louisiana, Maine, Mississippi, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington, and Wisconsin; The remaining states continue to use police discretion and detain a batter only when there is probable cause (Sherman, Cohn, Sherman, & Cohn, 2013). After this study other researchers have conducted follow up studies and have reported conflicted findings, they state that mandatory arrest increases the danger the victim will be in and that the domestic violence incident numbers increased (Buzawa & Buzawa, 2003).

Although creating mandatory arrest laws had good intentions the unintended consequences must be noted which leads us into the research data the author has selected to
further exam the prosecutor’s role in helping victims of domestic violence. Once the abuser is arrested, the victim then becomes entrapped in the criminal justice system; women have stated that when they would tell their story the police, judges and lawyers didn’t believe them. This makes it harder to get the victim to speak out because she fears that if she does and the system doesn’t believe her, he will be released and she will be in a worse situation with him based on threats he has made to her therefore she chooses to not call the police or seek help (Hirschel, E. Buzawa, Pattavina, Faggiani, Reuland, 2007).

When a Domestic Violence case goes to court the District Attorney has to make a decision to prosecute the case or not, if they choose to not prosecute the abuser is set free without consequence. According to survey’s the prosecutors are reluctant to prosecute domestic violence cases because they don’t want to risk losing the case. Studies show that because the victim may recant her statement or refuse to testify against the abuser in fear leaves the DA’s office in a position where the decision is to dismiss the case based on not enough evidence (LaViolette & Barnett, 2013). During the time the victim could be offered to apply for a restraining order against the abuser. According to Ptacek (1999) “a restraining order is just a piece a paper” (p. 169) that cannot immediately prevent the abuser from stalking the victim and inflicting physical harm on her.

2.6 Summary

Through the years we have evolved as a society in bringing awareness and making better attempts to prevent domestic violence but there are still major dilemmas in our court system that must be address in order to see long-term changes in ending domestic violence. The previous section provides support for hypothesis 1 by presenting an overview on the broad issues of: domestic violence; the reasons and theories on why he abuses, the signs of an abusive man, the reason why the victim stays in the relationship and the criminal justice system response. A presentation of the secondary data sample, methods, and analytical techniques will be discussed in the proceeding chapters.
CHAPTER 3
METHODOLOGY

The author provides in this chapter a description of the methodology used to test H1: Prosecutor’s in Metro areas will differ from Prosecutor’s in Non-Metro areas. Accordingly, the following will provide data sample and survey description.

3.1 Sample and Survey Description

There were no participants directly involved in this research project because the author used secondary data. The data was previously collected by the United States Department of Justice and Office of Justice Programs National Institute of Justice.

The data used was ICPSR 3103 called “Survey of Prosecutors’ views on children and Domestic Violence in the United States, 1999” The target subjects for this study were Prosecutors’ offices that had knowledge of, or experience with, cases involving children and domestic violence in the United States (Whitcomb, 1999). Exploring ways prosecutors can better help the victims. Men and women Prosecutor’s state they had knowledge of or experience with cases involving children and domestic violence in the United States were allowed to participate in this survey research. The researchers conducted a nationwide telephone survey of prosecutors from the National Center for Prosecution of Child Abuse. Depending upon the structure of each prosecutor’s office, it was possible to interview a single individual with responsibility for all family violence cases; or two prosecutors, one with responsibility for domestic violence cases and the other with responsibility for child abuse cases. For purposes of analysis, in jurisdictions where two prosecutors were interviewed, the two responses were combined, so that the unit of analysis remains the jurisdiction and not the individual attorney (Whitcomb, 1999).

Their target areas were Metro and Non-Metro Areas, to determine the size and degree of urbanization of the counties that are represented in this survey they utilized a coding system
from the United States department of Agriculture. Almost ¾ of the jurisdictions who responded to the survey were in the Metro area which is defined as very populated urban core that has at least 10,000 people in the counties. Non-Metro is defined as more remote locations with most populations less than 10,000. This includes several districts comprising multiple counties (Whitcomb, 1999).

The survey consists of two prosecutors' offices in each state which covered a total of 100 jurisdictions. In most jurisdictions, an interview was conducted of every person who had responsibility for family violence cases (Whitcomb, 1999). The data collection procedures are free for the public to access and use for analysis through the internet and downloaded into SPSS from The National Archive of Criminal Justice Data section of the Inter-University Consortium for Political and Social Research Organization located online at: www.icpsr.umich.edu.

This survey of prosecutors was undertaken to describe current practice and identify "promising practices" with respect to cases involving domestic violence and child victims or witnesses. It sought to answer the following questions: (1) What are the challenges facing prosecutors when children are exposed to domestic violence? (2) How are new laws regarding domestic violence committed in the presence of children, now operating in a small number of states, affecting practice? (3) What can prosecutors do to help battered women and their children? To gather data on these topics, the researchers conducted a national telephone survey of prosecutors. Questions asked include case assignment, jurisdiction of the prosecutor's office, caseload, protocol for coordinating cases, asking about domestic violence when investigating child abuse cases, asking about children when investigating domestic violence cases, and how the respondent found out when a child abuse case involved domestic violence or when a domestic violence case involved children (Whitcomb, 1999).
Table 3.1 demonstrates the Characteristics of the Prosecutor’s Offices of all participant attorneys’ surveyed breaking them down by location Metro and Non-Metro. It also displays the number and percentage of caseloads that involve Domestic Violence. It should be noted that the response rate is 93%. According to this study, 36.6% of prosecutors have a family violence caseload in the metro area, and 86.4% in the Non-Metro area’s; 47.9% Prosecutors have been involved with Domestic Violence and Child abuse cases in the metro jurisdictions and 4.5% in the non-metro areas, and 15.5% where involved with either Domestic Violence cases or Child abuse cases in the Metro jurisdictions and 9.1% in the non-metro jurisdiction.

Table 3.1 Metro and Non-Metro Prosecutor’s Jurisdictions

<table>
<thead>
<tr>
<th></th>
<th>Metro</th>
<th></th>
<th>Non-Metro</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Violence</td>
<td>N= 36</td>
<td>% = 36.6</td>
<td>N= 19</td>
<td>% = 86.4</td>
</tr>
<tr>
<td>DV and Child Abuse</td>
<td>N= 34</td>
<td>% = 47.9</td>
<td>N= 1</td>
<td>% = 4.5</td>
</tr>
<tr>
<td>Either DV or CA (not both)</td>
<td>N= 11</td>
<td>% = 15.5</td>
<td>N= 2</td>
<td>% = 9.1</td>
</tr>
</tbody>
</table>
CHAPTER 4

RESULTS

Findings for this secondary data analysis were generated from SPSS. Due to the nature of the data, the most appropriate measure of association is phi. The 2x2 crosstabulations are presented below with appropriate information regarding the association between the two variables being examined. To make a PRE interpretation of phi, the statistic is squared. All tables presented use the location dichotomized as Metro and Non-Metro of the Prosecutors Office’s as the independent variable.

Table 4.1 Crosstabulation of Location and provision of Domestic Violence Training to their staff

<table>
<thead>
<tr>
<th></th>
<th>Metro</th>
<th>Non-Metro</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>56.3%</td>
<td>68.2%</td>
<td>59.1%</td>
</tr>
<tr>
<td>No</td>
<td>43.7%</td>
<td>31.8%</td>
<td>40.9%</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Phi = -.102
Approx. Sig = .323

Table 4.1 displays the question “Is Domestic Violence training provided to the employed Prosecutors?” as the dependent variable. These two variables show that in the Metro area’s 56.3% of the Prosecutors Office’s offer training to their employees; 43.7% do not offer training to their Prosecutors. This table also shows 68.2% in the Non-metro areas offer their employed Prosecutors training in Domestic Violence 31.8% are not offered training; φ = .102 indicates no association.

Table 4.2 Crosstabulation of Location and of prosecuting women who fail to protect their children from abuse

<table>
<thead>
<tr>
<th></th>
<th>Metro</th>
<th>Non-Metro</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>81.7%</td>
<td>77.3%</td>
<td>80.6%</td>
</tr>
<tr>
<td>No</td>
<td>18.3%</td>
<td>22.7%</td>
<td>19.4%</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Phi = .048
Approx. Sig = .647
Table 4.2 uses the question “Should women who fail to protect their children from abuse be prosecuted?” as the dependent variable. These two variables show that in the Metro area’s 81.7% of the prosecutors would prosecute battered women who failed to protect their children from abuse and 18.3% state they would not prosecute the battered women. This table also shows 77.3% in the Non-metro areas state they would prosecute, and 22.7% would not prosecute. To make a PRE interpretation, $\phi (0.048)^2 = 0.02$ would tell us that 2% of the variation tells us there is no association.

Table 4.3 Crosstabulation of Location and reporting women who fail to protect their children from abuse to CPS

<table>
<thead>
<tr>
<th></th>
<th>Metro</th>
<th>Non-Metro</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>62.0%</td>
<td>77.3%</td>
<td>65.6%</td>
</tr>
<tr>
<td>No</td>
<td>38.0%</td>
<td>22.7%</td>
<td>34.4%</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Phi = .048
Approx. Sig = .187

This crosstabulation (table 4.3) uses the question “Should women who fail to protect their children from abuse be reported to CPS?” as the dependent variable. In the Metro area’s 62.0% of the Prosecutors state they would prosecute battered women who failed to protect their children from abuse and 38.0% state they would not prosecute the battered women. This table also shows 77.3% in the Non-metro areas would prosecute and 22.7% would not prosecute. To make a PRE interpretation, $\phi (0.048)^2 = 0.02$ would tell us that 2% of the variation tells us there is no association between the variables.

Based on the data analyzed here, the hypothesis is not supported. There were no significant differences between Metro and Non-Metro offices for any of the three variables examined. Limitations of the data are discussed in Chapter 5.
CHAPTER 5

CONCLUSION

In this chapter, the author provides a discussion of the results and findings described in Chapter 4 and how those apply to the relevant literature and the hypothesis of this study: (H1) Prosecutors in Metro areas will differ from Prosecutors in Non-Metro areas. Accordingly, the chapter is organized into four sections: (1) Findings applied to relevant literature; (2) Limitations; (3) Conclusion and recommendations; and (4) Future research.

5.1 Findings Applied to Relevant Literature

The results of this investigation provide some support for the hypothesis developed in Chapter I. The findings do not support the hypothesis H1: Prosecutors in Metro areas will differ from Prosecutors in Non-Metro areas. None of the phi statistics are significant which indicates that there is no statistical difference by location therefore there is no evidence to prove the hypothesis. The main focus of the previous work is aimed at what existing laws are relevant to protect battered women and children and how prosecutors can better serve them. The study used is aimed to provide description of current practices and shows measures of different jurisdictions on how they handle domestic violence cases. Although the data was originally collected in 1999 the author provides literature showing this is still a current issue.

This study examined secondary data of Prosecutors at the District Attorney’s Office who have dealings with handling Domestic Violence or Child Abuse cases. When run through SPSS correlations using Phi, it was found that there was no significant difference between Prosecutors in the Metro and Non-Metro areas that handle Domestic Violence or Child Abuse cases.

In this particular sample, the majority of the Prosecutors’ Offices offer some form of Domestic Violence training in both Metro and Non-Metro areas. If all the Office’s received Domestic Violence Training that are listed and actually utilized the training properly then this
corresponds with the literature reviewed that refers to the increasing policy changes to make domestic violence awareness important and train the officials on how to handle the cases to better assist the victims and their children. Lockhart & Danis 2010 states although more states are training the prosecutors that working the cases. There are still thousands of victims who are without proper legal representation due to lack of training and resources. In the Metro jurisdictions 43.7% did not offer domestic violence training to prosecutors. And 31.8% in the Non-Metro jurisdictions report to not offer domestic violence training.

A total of 80.6% participants state that a battered woman who fails to protect her children should be prosecuted; 19.4% participants state the battered woman should not be prosecuted. If participants are actually prosecuting battered women who have been said to have not protected their children from abuse. The literature shows that prosecuting a woman immediately without further investigation of the situation could put the woman and her children in more danger (Ptacek, 1999).

A total of 65.6% participants state that a battered woman who fails to protect her children for abuse should be reported to CPS; 34.4% participants state, the battered women should not be reported to CPS. The literature shows that reporting a battered woman to CPS puts her and the children in further danger because the abuser has used several methods of threatening the victim that if anyone outside of the household gets involved the children would be harmed. The abuser may have even threatened to take the children from her and take them away where the battered woman will not even have contact with them. James Ptacek and Laviolette (2014) have both discussed in the literature how having closed minded District attorneys can cause a domino effect in the community and continue to have battered women remain quiet or go in hiding (Ptacek, 1999).
5.2 Limitations

As with most research, there are some cautions that need to be kept in mind while interpreting the results. Given the relatively small sample size, it is difficult to find statistically significant differences. The wording of the questions is another limitation in this study because a question such as “Does your office offer Domestic Violence Training?” doesn’t necessarily mean that all of the Prosecutors are handing domestic violence cases get the training that nor does it mean that they are working the cases correctly.

The questions asking if the Prosecutor would prosecute or report to CPS a battered woman who failed to protect her children from abuse; are other examples on how the wording of the questions can be misleading and offer limitations. The questions are closed ended. In terms of actual practices of the Protectors if very limited and the review of the study have to interpret what they think is meant.

5.3 Conclusion and Recommendations for Change

The author wants this study to add to the body of knowledge regarding domestic violence in general and bring more awareness of how the criminal justice system can be improved on how they handle Domestic Violence cases. The Phi test showed that there is no significant relationship between How Prosecutors handle Domestic Violence Cases in the Metro verses the Non-Metro areas. Therefore, battered women in any of those areas may or may not get proper court representation when it comes to actually receiving help and resources for them and their children who are affected by an abusive man in the household. Since there have been some major changes in laws and polices since this data was collected in 1999, it is unclear how these findings translate to current practices. Therefore, the first recommendation would be to update this data, rewording the survey questions or creating new ones that are more open ended to get a better idea of what the Prosecutors are doing in regards to Domestic Violence cases.
The author’s recommendations cannot follow directly from the analysis of the data set used based on the limitations but they can be made from the literature used in this study. Domestic Violence needs to be seen as a national problem and all states across the United States need to advocate social change in the judicial system by requiring Prosecutors to prosecute domestic violence cases against the batterer especially if there are children involved. It is also suggested that judges hold abusers accountable for their intimidation and coercive behavior when they are in the courtroom with the victim. This can include but not limited to the screening process for selection and monitoring of domestic violence cases, the judges and attorneys that handle the cases to ensure they are qualified to make the right decisions on the case; as well as knowing the importance of utilizing a danger assessment on all batters. Providing education to legislatures to the ways evidentiary rules limit justice for battered women and making way for new laws to ensure battered women’s stories are heard in court; also funding Global GPS system when bail is set for all abusers can be a way to help keep the victims safe. The final recommendation would be to provide a mandatory domestic violence polices for prosecution should be created, these recommendations in combination with mandatory arrest are a start to social reformation in regards to domestic violence.

5.4 Future Research

The results of this study suggest several avenues of future research, including update of this data set and questions given to prosecutors for further examinations and clear understanding of what each prosecutor is meaning to say. There are very important issues that must be understood among all legal representatives and advocates for these battered women and children when the legal system is involved in domestic violence cases. Another way to enrich this study would be to add more qualitative context that would also interview defense attorneys to get their take on the dynamics. Lastly conducting a collaborative research of children who have been taken out of the home without a full assessment of the household,
finding out how many children are removed from the violence and battered women left to suffer without resources to save her and her children.
APPENDIX A

THE DULUTH MODEL POWER AND CONTROL WHEEL
APPENDIX B

ORIGINAL DATA COLLECTION INSTRUMENT
FORM A

SURVEY OF PROSECUTORS WHO HANDLE ALL FAMILY VIOLENCE CASES

Hello. My name is ______________. I’m conducting a survey of prosecutors to learn about policies and procedures for handling cases involving both domestic violence and child maltreatment. The study is sponsored by the National Institute of Justice. You were identified by [insert name of initial contact] as someone who has particular experience with the special challenges that arise in these cases.

The survey should take 30-45 minutes. Is this a good time, or would you prefer to schedule the call at another time? [If rescheduling]:

When would be a good time for you? ________________

Would it be helpful if I fax the survey to you before we talk? [If so]:

Fax number: ________________

I’ll look forward to talking with you ________________ (date and time).

[When proceeding with the survey]

Thanks for taking the time to complete the survey. Let’s get started.

First, you should know that all responses will be kept confidential. Survey findings will be reported only in the aggregate and will not be identified by individual respondents or offices. The findings will be used to identify five jurisdictions where we will do more intensive research through site visits and interviews with a wide range of professionals with an interest in battered women and their children. Do you have any questions so far?
1. Is your office responsible for prosecuting any domestic violence case or only felony charges?
   - [ ] This office handles all domestic violence cases.
   - [ ] Another office handles misdemeanors.
   Which agency handles these cases?

2. How many domestic violence cases did your office prosecute in calendar year 1998?
   - [ ] felonies
   - [ ] misdemeanors (if appropriate)

3. Is your office responsible for child abuse dependency proceedings in civil court?
   - [ ] This office handles both criminal and civil child abuse proceedings.
   - [ ] Another office handles dependency cases.
   Which agency handles these cases?

4. How many child abuse cases did your office prosecute last year?
   - [ ] criminal cases
   - [ ] dependency cases

5. When CPS and/or police investigate reports of suspected child abuse or neglect, are there protocols for them to ask specifically about domestic violence?
   - [ ] Yes. Could you please send/fax a copy?
   - [ ] No.
   - [ ] Don't know.
   [If no or don't know]: How do you find out when a child abuse case involves domestic violence?
6. When police respond to domestic violence calls, are there protocols for them to ask about children who may be victims of, or witnesses to, the violence?

☐ Yes. Could you please send/fax a copy?
☐ No.
☐ Don’t know.

[If no or don’t know]: How do you find out that a domestic violence case involves child victims or witnesses?

7. Do police or other investigators routinely check with CPS about prior reports of child abuse or neglect in families experiencing domestic violence?

☐ Yes. ☐ No. ☐ Sometimes. ☐ Don’t know.

[If sometimes]: Under what circumstances would police check with CPS?

8. Are domestic violence and child abuse cases involving the same family heard by a single judge or in a special family court?

☐ Yes. ☐ No. ☐ Don’t know.

9. Does the same prosecutor handle all these proceedings?

☐ Yes. ☐ No. ☐ Don’t know.
10. Are there any laws in your state that explicitly address the issue of co-occurring domestic violence and child maltreatment? (Read options):

Are there laws identifying children's exposure to domestic violence as a form of child maltreatment?

☐ Yes.  ☐ No.  ☐ Don't know.

Are there laws that apply or enhance criminal penalties for domestic violence when children are present?

☐ Yes.  ☐ No.  ☐ Don't know.

Are there any other laws that address the issue of children who witness or who are exposed to domestic violence?

☐ Yes.  ☐ No.  ☐ Don't know.

[If yes:] What are the key provisions?

[IF RESPONDENT INDICATES EXISTING LAWS: Could you fax the relevant language or citations to these statutes?]

11. Is the state legislature considering any action on these issues?

☐ Yes.  ☐ No.  ☐ Don't know.

[If yes]: Do you know any details?
12. Are prosecutors using other avenues to enhance the potential penalties for those who commit domestic violence in the presence of children [If prompt is needed: For example, charging emotional abuse or endangerment when children are present?]

☐ Yes.  ☐ No.  ☐ Don’t know.

[If yes]: Please explain.

13. Is there any pertinent case law we should know about?

☐ Yes.  ☐ No.  ☐ Don’t know.

[If yes]: Please explain.

[IF RESPONDENT INDICATES PERTINENT CASE LAW: Would you be able to fax the relevant language or citations for these opinions?]

14. Does your office have a “no drop” policy for domestic violence cases?

☐ Yes.  ☐ No.  ☐ Don’t know.

15. Does the presence of children influence decisions to prosecute male batterers when mothers are unwilling or uncooperative victims?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don’t know.

Please explain.
Now I'm going to ask you about three different scenarios in cases of co-occurring domestic violence and child maltreatment: First are cases where a battered woman is abusing her children. Second are cases where the male perpetrator is battering both the mother and the children. Third are cases where children are exposed to domestic violence but not directly abused themselves.

16. In the first scenario, where there is evidence that a battered woman has abused her children, would your office report this woman to CPS (child protective services)?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don't know.

Please explain.

17. Would your office prosecute a battered woman who has abused her children?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don’t know.

(A) How frequently does your office charge mothers under these circumstances?

☐ Very often (75-100% of the cases)
☐ More often than not (50-75% of the cases)
☐ Sometimes (25-50% of the cases)
☐ Rarely (10-25% of the cases)
☐ Never.
☐ Don’t know.

(B) What are the specific charges?

18. In the second scenario, where a male perpetrator is battering both the mother and her children, would your office report the mother to CPS for failure to protect her children?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don't know.

Please explain.
19. Would your office *prosecute* a battered woman for failure to protect her children from abuse by the male perpetrator?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don’t know.

(A) How frequently does your office charge mothers under these circumstances?

☐ Very often (75-100% of the cases)
☐ More often than not (50-75% of the cases)
☐ Sometimes (25-50% of the cases)
☐ Rarely (10-25% of the cases)
☐ Never.
☐ Don’t know.

(B) What are the specific charges?

20. In the third scenario, where children are exposed to domestic violence but not directly abused, would your office *report* to CPS battered mothers who fail to protect their children from continued exposure to domestic violence?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don’t know.

Please explain.

21. Would your office *prosecute* a battered woman for failure to protect her children from continued exposure to domestic violence?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don’t know.

(A) How frequently does your office charge mothers under these circumstances?

☐ Very often (75-100% of the cases)
☐ More often than not (50-75% of the cases)
☐ Sometimes (25-50% of the cases)
☐ Rarely (10-25% of the cases)
☐ Never.
☐ Don’t know.
(B) What are the specific charges?

22. Is there a specialized batterers treatment program in your community?

☐ Yes. ☐ No. ☐ Don't know.

[If yes]: How frequently are domestic violence offenders sentenced to attend this program?

☐ Very often (75-100% of the cases)
☐ More often than not (50-75% of the cases)
☐ Sometimes (25-50% of the cases)
☐ Rarely (10-25% of the cases)
☐ Never.
☐ Don't know.

23. Are there any specific resources, programs, or services in your community where you can refer battered mothers and their children?

☐ Yes. ☐ No. ☐ Don't know.

[If yes:] Is there [read options]:

☐ Shelter.
☐ Legal services.
☐ Specialized counseling for battered women.
☐ Specialized counseling for child witnesses to violence.
☐ Victim assistance program.
☐ Child protection agency.

☐ Other: ___________________________________________

☐ Other: ___________________________________________

24. Have prosecutors in your office received any particular training about co-occurring domestic violence and child maltreatment?

☐ Yes. ☐ No. ☐ Don't know.
This concludes our telephone survey. Before I forget, I'd like to review the materials you offered to send/fax to me:

[Review survey and list documentation below]:

We will be compiling the results of these surveys over the next few weeks, and I may call you back with some follow-up questions. In the next step, we will choose as many as five jurisdictions for field research to learn more about prosecutors' responses to domestic violence cases involving child victims or witnesses. Do you anticipate that, if selected, your office would have any concern about participating in the field research component of our study?

☐ Yes. Why?

☐ No.

Do you have any questions for me? [note nature of questions they ask]

Thank you so much for your time!
FORM B

SURVEY OF DOMESTIC VIOLENCE PROSECUTORS

Hello. My name is _____________________________. I’m conducting a survey of prosecutors to learn about policies and procedures for handling cases involving both domestic violence and child maltreatment. The study is sponsored by the National Institute of Justice. You were identified by [insert name of initial contact] as the best person for me to talk to about prosecution of domestic violence cases.

The survey should take 30-45 minutes. Is this a good time, or would you prefer to schedule the call at another time? [If rescheduling]:

When would be a good time for you?

Would it be helpful if I fax the survey to you before we talk? [If so]:

Fax number: ____________________________

I’ll look forward to talking with you ____________________________ (date and time).

[When proceeding with the survey]

Thanks for taking the time to complete the survey. Let’s get started.

First, you should know that all responses will be kept confidential. Survey findings will be reported only in the aggregate and will not be identified by individual respondents or offices. The findings will be used to identify five jurisdictions where we will do more intensive research through site visits and interviews with a wide range of professionals with an interest in battered women and their children. Do you have any questions so far?
Respondent:  

County:

1. Is your office responsible for prosecuting any domestic violence case or only felony charges?
   □ This office handles all domestic violence cases.
   □ Another office handles misdemeanors.
   
   Which agency handles these cases? ________________________________

2. How many domestic violence cases did your office prosecute in calendar year 1998?
   _________ felonies
   _________ misdemeanors (if appropriate)

3. Are there policies or protocols for communication between the domestic violence and child abuse prosecutors when domestic violence cases involve child victims or witnesses?
   □ Yes.  □ No.  □ Sometimes.  □ Don't know.
   
   [If yes]: Please explain. Could you send or fax a copy? [NOTE: Tell respondent you'll give him/her the mailing address/fax number at the end of the survey.]

4. Are there protocols for police who respond to domestic violence calls to ask about children who may be victims of, or witnesses to, the violence?
   □ Yes.  Could you please send/fax a copy?
   □ No.
   □ Don't know.
   
   [If no or don't know]: How do you find out that a domestic violence case involves child victims or witnesses?
5. Do police or other investigators routinely check with CPS about prior reports of child abuse or neglect in families experiencing domestic violence?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don't know.

[If sometimes]: Under what circumstances would police check with CPS?

6. Are domestic violence and child abuse cases involving the same family heard by a single judge or in a special family court?

☐ Yes.  ☐ No.  ☐ Don’t know.

7. Does the same prosecutor handle all these proceedings?

☐ Yes.  ☐ No.  ☐ Don’t know.

8. Are there any laws in your state that explicitly address the issue of co-occurring domestic violence and child maltreatment? (Read options):

Are there laws identifying children’s exposure to domestic violence as a form of child maltreatment?

☐ Yes.  ☐ No.  ☐ Don't know.

Are there laws that apply or enhance criminal penalties for domestic violence when children are present?

☐ Yes.  ☐ No.  ☐ Don't know.

Are there any other laws that address the issue of children who witness or who are exposed to domestic violence?

☐ Yes.  ☐ No.  ☐ Don’t know.

[If yes:] What are the key provisions?
9.  Is the state legislature considering any action on these issues?

☐ Yes.  ☐ No.  ☐ Don't know.

[If yes]: Do you know any details?

10. Are prosecutors using other avenues to enhance the potential penalties for those who commit domestic violence in the presence of children [If prompt is needed: For example, charging emotional abuse or endangerment when children are present?]

☐ Yes.  ☐ No.  ☐ Don't know.

[If yes]: Please explain.

11. Is there any pertinent case law we should know about?

☐ Yes.  ☐ No.  ☐ Don't know.

[If yes]: Please explain.

[IF RESPONDENT INDICATES PERTINENT CASE LAW: Would you be able to fax the relevant language or citations for these opinions?]
Respondent: County:

12. Does your office have a “no drop” policy for domestic violence cases?

☐ Yes.  ☐ No.  ☐ Don’t know.

13. Does the presence of children influence decisions to prosecute male batterers when mothers are unwilling or uncooperative victims?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don’t know.

Please explain.

Now I’m going to ask you about three different scenarios in cases of co-occurring domestic violence and child maltreatment: First are cases where a battered woman is abusing her children. Second are cases where the male perpetrator is battering both the mother and the children. Third are cases where children are exposed to domestic violence but not directly abused themselves.

14. In the first scenario, where there is evidence that a battered woman has abused her children, would your office report this woman to CPS (child protective services)?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don’t know.

Please explain.

15. In the second scenario, where a male perpetrator is battering both the mother and her children, would your office report the mother to CPS for failure to protect her children?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don’t know.

Please explain.
16. In the third scenario, where children are exposed to domestic violence but not directly abused, would your office report to CPS battered mothers who fail to protect their children from continued exposure to domestic violence?

☐ Yes. ☐ No. ☐ Sometimes. ☐ Don’t know.

Please explain.

17. Is there a specialized batterers treatment program in your community?

☐ Yes. ☐ No. ☐ Don’t know.

[If yes]: How frequently are domestic violence offenders sentenced to attend this program?

☐ Very often (75-100% of the cases)
☐ More often than not (50-75% of the cases)
☐ Sometimes (25-50% of the cases)
☐ Rarely (10-25% of the cases)
☐ Never.
☐ Don’t know.

18. Are there any specific resources, programs, or services in your community where you can refer battered mothers and their children?

☐ Yes. ☐ No. ☐ Don’t know.

[If yes:] Is there [read options]:

☐ Shelter.
☐ Legal services.
☐ Specialized counseling for battered women.
☐ Specialized counseling for child witnesses to violence.
☐ Victim assistance program.
☐ Child protection agency.

☐ Other: _____________________________

☐ Other: _____________________________
Respondent: County:

19. Have prosecutors in your office received any particular training about co-occurring domestic violence and child maltreatment?

☐ Yes. ☐ No. ☐ Don't know.

This concludes our telephone survey. Before I forget, I'd like to review the materials you offered to send/fax to me:

[Review survey and list documentation below]:

We will be compiling the results of these surveys over the next few weeks, and I may call you back with some follow-up questions. In the next step, we will choose as many as five jurisdictions for field research to learn more about prosecutors' responses to domestic violence cases involving child victims or witnesses. Do you anticipate that, if selected, your office would have any concern about participating in the field research component of our study?

☐ Yes. Why?

☐ No.

Do you have any questions for me? [note nature of questions they ask]

Thank you so much for your time!
FORM C

SURVEY OF CHILD ABUSE PROSECUTORS

Hello. My name is _________________________. I’m conducting a survey of prosecutors to learn about policies and procedures for handling cases involving both domestic violence and child maltreatment. The study is sponsored by the National Institute of Justice. You were identified by [insert name] as the best person for me to talk to about prosecution of child abuse cases. The survey should take about 30-45 minutes. Is this a good time, or would you prefer to schedule the call at another time?

[If rescheduling]:

When would be a good time for you? ____________________________________________

Would it be helpful if I fax the survey to you before we talk? [If so]:

Fax number: ____________________________

I’ll look forward to talking with you ____________________________ (date and time).

[When proceeding with the survey]

Thanks for taking the time to complete this survey.

Before we start, you should know that all responses will be kept confidential. Survey findings will be reported only in the aggregate and will not be identified by individual respondents or offices. The findings will be used to identify five jurisdictions where we will do more intensive research through site visits and interviews with a wide range of professionals with an interest in battered women and their children. Do you have any questions so far?

Okay, let’s get started.
1. Is your office responsible for child abuse dependency proceedings in civil court?
   □ This office handles both criminal and civil child abuse proceedings.
   □ Another office handles dependency cases.
   Which agency handles these cases? ____________________________

2. How many child abuse cases did your office prosecute last year?
   __________ criminal cases
   __________ dependency cases

3. Are there policies or protocols for communication between the domestic violence and child abuse prosecutors when child abuse cases involve domestic violence?
   □ Yes.  □ No.  □ Don’t know.

   [If yes]: Please explain. Could you send or fax a copy? [NOTE: Tell respondent you’ll give him/her the mailing address/fax number at the end of the survey.]

   [If no or don’t know]: How do you find out when a child abuse case involves domestic violence?

4. Are there protocols for CPS and/or police to inquire about domestic violence when investigating reports of suspected child abuse or neglect?
   □ Yes. Could you please send or fax a copy?
   □ No.
   □ Don’t know.
5. Do police or other investigators routinely check with CPS about prior reports of child abuse or neglect in families experiencing domestic violence?

☐ Yes.  ☐ No.  ☐ Sometimes.  ☐ Don't know.

[If sometimes]: Under what circumstances would police check with CPS?

6. Are domestic violence and child abuse cases involving the same family heard by a single judge or in a special family court?

☐ Yes.  ☐ No.  ☐ Don't know.

7. Does the same prosecutor handle all these proceedings?

☐ Yes.  ☐ No.  ☐ Don't know.

8. Are there any laws in your state that explicitly address the issue of co-occurring domestic violence and child maltreatment? (Read options):

(1) Are there laws identifying children’s exposure to domestic violence as a form of maltreatment?

☐ Yes.  ☐ No.  ☐ Don't know.

(2) Are there laws that apply or enhance criminal penalties when children are exposed to domestic violence?

☐ Yes.  ☐ No.  ☐ Don't know.

(3) Are there any other laws that address the issue of children who witness or who are exposed to domestic violence?

☐ Yes.  ☐ No.  ☐ Don't know.

[If yes]: What are the key provisions?
Respondent:  
County:  

[IF RESPONDENT INDICATES EXISTING LAWS: Could you fax the relevant language or citations to these statutes?]  

9. Is the state legislature considering any action on these issues?  
   □ Yes. □ No. □ Don’t know.  
   [If yes]: Do you know any details?  

10. Are prosecutors using other avenues to enhance the potential penalties for those who commit domestic violence in the presence of children [If prompt is needed: For example, charging emotional abuse or endangerment when children are present?]  
    □ Yes. □ No. □ Don’t know.  
    [If yes]: Please explain.  

11. Is there any pertinent case law we should know about?  
    □ Yes. □ No. □ Don’t know.  
    [If yes]: Please explain.
Now I'm going to ask you about three different scenarios in cases of co-occurring domestic violence and child maltreatment: First are cases where a battered woman is abusing her children. Second are cases where the male perpetrator is battering both the mother and the children. Third are cases where children are exposed to domestic violence but not directly abused themselves.

12. In the first scenario, would your office prosecute a battered woman when there is evidence that she has abused or neglected her children?

☐ Yes. ☐ No. ☐ Sometimes. ☐ Don't know.

Please explain.

(A) How frequently does your office charge mothers under these circumstances?

☐ Very often (75-100% of the cases)  ☐ More often than not (50-75% of the cases)
☐ Sometimes (25-50% of the cases)  ☐ Rarely (10-25% of the cases)
☐ Never. ☐ Don't know.

(B) What are the specific charges?
13. In the second scenario, would your office prosecute a battered mother for failure to protect her children from abuse by the male perpetrator?

☐ Yes. ☐ No. ☐ Sometimes. ☐ Don’t know.

Please explain.

(A) How frequently does your office charge mothers under these circumstances?

☐ Very often (75-100% of the cases)
☐ More often than not (50-75% of the cases)
☐ Sometimes (25-50% of the cases)
☐ Rarely (10-25% of the cases)
☐ Never.
☐ Don’t know.

(B) What are the specific charges?

14. In the third scenario, would your office prosecute battered mothers who fail to protect their children from continued exposure to domestic violence?

☐ Yes. ☐ No. ☐ Sometimes. ☐ Don’t know.

Please explain.
Respondent:  

County:

(A) How frequently does your office charge mothers under these circumstances?

☐ Very often (75-100% of the cases)
☐ More often than not (50-75% of the cases)
☐ Sometimes (25-50% of the cases)
☐ Rarely (10-25% of the cases)
☐ Never.
☐ Don’t know.

(B) What are the specific charges?

15. Are there any specific resources, programs, or services in your community where you can refer battered mothers and their children?

☐ Yes.  ☐ No.  ☐ Don’t know.

[If yes]: Is there [read options]:

☐ Shelter.
☐ Legal services.
☐ Specialized counseling for battered women.
☐ Specialized counseling for child witnesses to violence.
☐ Victim assistance program.
☐ Child protection agency.
☐ Other: ____________________________

☐ Other: ____________________________

16. Have prosecutors in your office received any particular training about co-occurring domestic violence and child maltreatment?

☐ Yes.  ☐ No.  ☐ Don’t know.
Respondent: County:

This concludes our telephone survey. Before I forget, I'd like to review the materials you offered to send/fax to me:

[Review survey and list documentation below]:

We will be compiling the results of these surveys over the next few weeks, and I may call you back with some follow-up questions. In the next step, we will choose as many as five jurisdictions for field research to learn more about prosecutors' responses to domestic violence cases involving child victims or witnesses. Do you anticipate that, if selected, your office would have any concern about participating in the field research component of our study?

☐ Yes. Why?

☐ No.

Do you have any questions for me? [note nature of questions they ask]

Thank you so much for your time!
REFERENCES


BIOGRAPHICAL INFORMATION

LaTasha Jackson-McDougle received her bachelor's degree from The University of Texas at Arlington in December of 2009 with a major in Social Work and a minor in Criminology Criminal Justice. Her focus was on Direct Practice Marriage and Relationship counseling as well as Domestic Violence Awareness saving battered women and children. While pursuing her undergraduate degree, LaTasha worked 6 years with Tarrant County Sheriff Department holding 3 different promotional titles, Booking Technician, Detention Officer, and Security Control Specialist Officer. LaTasha also volunteered with YWCA (Young Women's Christian Association), Girls with a Purpose, and an active participant in Victory over Violence yearly 5k.

LaTasha received her master's in Criminology and Criminal Justice as from University of Texas at Arlington in December of 2013 and her Masters in Social Work will be obtain from University of Texas at Arlington in May of 2014. While attending UTA, she was Vice-President of Alpha Phi Sigma Criminal Justice Honor Society and President of Phi Alpha Social Work Honor Society for academic years 2012-2014. She was also a member on Student relations committee for academic years 2013-2014. During her graduate studies she has been active in communities and church bringing awareness to domestic violence awareness. She has been nominated for Who’s Who among students in American Universities and Colleges Award for academic years 2013-2014 LaTasha works for Tarrant County Adult Probation with specialized mental health caseload, LaTasha has hopes to eventually work with the Domestic Violence unit with Tarrant County. The knowledge gained from this experience and her personal experience of losing her parents to domestic violence became the focus of LaTasha’s thesis.