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# **VIOLENCE AGAINST WOMEN**

**VICTIMS AND ABUSERS • LEGAL ISSUES •  
INTERVENTIONS AND TREATMENT**

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**Volume III**

**Edited by  
Joan Zorza, Esq.**



**Civic Research Institute**

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# Dedicated to the Memory of Sheila and Paul Wellstone

This book is dedicated to the memory of Senator Paul Wellstone and his wife Sheila, whose tragic deaths on October 26, 2002, were a devastating loss to the entire domestic violence and sexual assault community, a loss that has not faded as time goes on. Some of us were fortunate enough to have known and worked with one or both of them, and those of us who did grew to love them and miss them personally, not just in their professional capacities. Many more knew that Paul championed our cause, and that he did so more consistently and persuasively than anyone else in the Senate. And all of us victimized by or working against violence against women, even those who never got a dollar of federal money, benefited from his efforts.

His wife Sheila was much of the reason why. She decided when Paul first came to Washington in 1991 that they would take on the issue of domestic violence. She spent many days at the local domestic violence program in Minnesota, learning about domestic violence and listening to the stories of the women who came there. Though Sheila never knew abuse in her family, she certainly understood its devastation and that society must become involved to end it. The more she heard and learned about domestic violence, the more she wanted to know, and the more she realized how many other aspects of violence were involved. She brought these issues to Paul, and also to the Congressional Wives, and then to all of the members of Congress. Together Sheila and Paul persuaded the Senate to allow them to host an annual exhibit on violence against women, the last being a photography exhibition entitled "STAND: Faces of Rape and Sexual Abuse Survivors Project."

Sheila also worked in Paul's Senate office, working tirelessly on issues concerning domestic violence, children, sexual assault, trafficking, refugees, labor, and many other issues that she and Paul saw were often interrelated, hurtful, and wrong. She was always available to those of us in the movement who had concerns or ideas. She also helped draft much of the legislation that Paul put forth. Both of them being humble and more interested in the success of their issues, they often permitted others to front their bills. In his last session, the President refused to let anything with Paul's name on it be enacted, even when both houses of Congress overwhelmingly supported it.

Sheila and Paul met in high school and they became soul mates for life. They were both born in 1944, and true to how women were raised in that day, Sheila sacrificed her education to put Paul through school. She enabled him to get his Ph.D. and become a professor of political science, while she raised their children and worked as an assistant librarian. Sheila helped Paul in his political career, one born of their belief that it is not what you say that counts, but what you do. Their social activism inspired Paul to want to fix problems through legislation as well as by changing society. Both of them had an unusual amount of integrity, sincerity, and compassion, so much so that they were highly respected in Washington politics, even by those in Congress who strongly disagreed with their liberal values. In addition to Sheila's work on Paul's staff, their sons, David and Mark, volunteered at times and their daughter Marcia (who died in the same plane crash that killed her parents) worked on Paul's reelection campaign. Besides teaching Spanish, and being a mother and wife, Marcia also volunteered at a domestic violence shelter in Minnesota. The Wellstones were so proud of all of their children (and grandchildren): they raised them to be the people they became, were always there for the children, knew what they wanted and needed, and encouraged them.

Sheila was ever supportive of Paul. But she also shone in her own right, and in a way that totally amazed Paul. He was astonished by how knowledgeable and competent Sheila had managed to become, on her own, without formal education. Indeed, Sheila was truly recognized as one of the leaders on all issues regarding violence against women and children.

I was fortunate to work with Sheila, starting in the early 1990s, on one of the first collaborations on family violence by the American Medical Association and American Bar Association. Sheila served on the advisory board of *Domestic Violence Report* from its inception, with herself or other staff reporting regularly for several years on federal legislation about domestic violence.

The loss of Sheila and Paul means we have lost our main voice in the Senate. On October 1, 2002, Paul was honored with a special “Peace in Our Homes” presentation for his leadership and dedication to eliminating domestic violence. The award was jointly given by the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, the Family Violence Prevention Fund, Lifetime Television, and the law firm of Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo. Paul, after a brief word with and appreciation to Sheila, declared it to be the most meaningful award he had ever received, adding that while he had received many awards in the past, he had never said anything like that before. It is one small consolation that before their deaths we were able to let Paul and Sheila know of our appreciation.

Another consolation is that Wellstone Action and the Sheila Wellstone Institute are continuing much of their work; they can be contacted at Wellstone Action, 821 Raymond Avenue, Suite 260, St. Paul, MN 55114.

# Acknowledgements

It has now been more than 11 years since Arthur Rosenfeld and Felicia Rosenfeld pushed me to start *Domestic Violence Report* and, two years later, *Sexual Assault Report*. It has been a wonderful experience, working with them and all of the staff at Civic Research Institute, and particularly Deborah Launer, who has now assisted me with both this and the second volume of *Violence Against Women*, and Mark Davis, who serves as the managing editor of both newsletters. In the process of editing the newsletters and working on the three volumes of *Violence Against Women*, I have gotten to know and work with many amazing and inspirational people. I would like to thank all of them, but especially mention those who have worked on the issues in this third volume of *Violence Against Women*: Annie Perry, Nancy Lemon, and Erica Weissman each of whom contributes to almost every issue of one of these newsletters, and Annie amazingly to both of them, managing to do so without interruption through the births of her two children. In addition, Mindy Mechanic, Miriam Valdovinos, Ann Burgess, Wendy Murphy, and Lee Bowker have contributed regularly on various important topics, Mindy and Miriam mainly on domestic violence in the Latina community, Ann on sexual assault cases, Wendy on court decisions and media's handling of sexual violence, and Lee primarily on various aspects of domestic violence. Many others have made wonderful contributions to the newsletters, people who are widely known and respected in their respective fields, including Joanne Archambault, Linda Barnard, Nancy Erickson, Lynette Feder, Marci Fukuroda, Juley Fulcher, Ed Gondolf, Casey Gwinn, Russ Immarigeon, Robert Jensen, Mark Kelegian, Eileen King, Roslyn Myers, T.S. Nelson, Joyce Noche, Anne O'Dell, Leslye Orloff, Grace Poore, Debbie Rollo, Liza Siebel, Irene Weiser, Trish Wilson, and Angie Waliski, and I want to thank each of them, and the many other contributors too numerous to name individually, for their contributions, insights and, for many of them, their friendship. In addition, I want to thank my family, most especially my husband Richard Zorza (who has to put up with my work and deadlines); my children, Derin and Arloc Sherman, and their respective wives, Kathy Kittredge and Anne Theissen; my sister Sylvia Levinson, who feels pride in my work; my mother, who has continued to encourage, challenge, and inspire me over the years, and without whom I could never have done this work. In addition I thank my three grandchildren, Cassandra, Cameron, and Darrow, none of whom had yet been born when I first started talking with Civic Research Institute about starting *Domestic Violence Report*. My grandchildren continue to remind me how important it is to spend time with family and raise children in a nonviolent, loving, and supportive atmosphere, as well as just how much fun they and life can be. Our work, as each of us knows, is very stressful, and having escapes, including supportive friends and family, is one of the best ways to counter and escape that stress.

—Joan Zorza

## About the Editor

**Joan Zorza, J.D.**, is the founding editor of both *Domestic Violence Report* and *Sexual Assault Report* and a graduate of Boston University and Boston College Law School. Besides editing the three volumes of *Violence Against Women*, she has written extensively on domestic violence, sexual assault, child custody matters, and stalking. She also co-edited a special issue of the journal, *Violence Against Women*, on domestic violence and custody, and she reviewed research grants for the Centers for Disease Control and National Institute of Justice. Ms. Zorza is a liaison to the American Bar Association's Commission on Domestic Violence, serves on the boards of End Violence Against Women International and the Legal Resource Center on Violence Against Women, is an advisor to the International Association of Chiefs of Police, and served on the board of the National Coalition Against Domestic Violence for 10 years. She has been a consultant with the Department of Justice, the National Council of Juvenile and Family Court Judges, and the American Medical Association, and also addressed the International Federation of Women Lawyers at the United Nations on America's laws involving women, advised the Canadian government on the U.S. states' experience with their stalking and custody laws, testified before the U.S. House Judiciary Committee on police arrest policies, and addressed members of the Irish health professions on how they should be responding to family violence. Ms. Zorza has been working to end violence against women for more than 30 years. A member of the bars of the District of Columbia, New York, and Massachusetts, Ms. Zorza has represented more than 2,000 battered women and 100 sexually abused children, and helped draft parts of the Violence Against Women Act—including the full faith and credit mandate, the section on interstate domestic violence crimes, and the confidentiality provisions. She was awarded for her work on custody by the Department of Justice in 1998, for her work on behalf of victims of domestic violence by the City of New York Human Resources Administration in 2000, for her work on violence against women by the Sunshine Lady Foundation in 2002, and received an honorary appreciation resolution from the American Bar Association's Commission on Domestic Violence in 2004.

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## About the Contributing Editors

**Nancy K. D. Lemon, J.D.**, has specialized in domestic violence legal issues ever since her graduation from Boalt Hall School of Law (University of California at Berkeley) in 1980. As an undergraduate, she helped create the first Women's Studies major at any UC campus, receiving a B.A. with honors in 1975 from the University of California at Santa Cruz. Ms. Lemon, Associate Editor of *Domestic Violence Report*, has taught Domestic Violence Law and a clinical course at Boalt since 1988. Her book, *Domestic Violence Law*, was the first published textbook on this topic; West Group's second edition was released in 2005. She has published many other books and articles in this field, including (with Peter G. Jaffe and Samantha E. Poisson), *Child Custody & Domestic Violence: A Call for Safety and Accountability* (Sage, 2003). While working at various nonprofit agencies around the San Francisco Bay Area from 1981 through 1993, she represented hundreds of battered women obtaining restraining orders, and advocated for them with the civil and criminal justice systems. Ms. Lemon has worked on numerous pieces of legislation, having been active with the Policy & Research Committee of the California Alliance Against Domestic Violence since 1984. She is currently a board member of the California Partnership to End Domestic Violence. She has worked with other attorneys as a trial consultant, has testified as an expert witness on domestic violence issues, and was a consultant to California Judges Education and Training (CJER), with whom she developed curricula for new judges and for court employees.

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**Erica Weissman, J.D., Psy.D.**, a contributing editor to *Sexual Assault Report*, is Clinical Director of the Division of Forensic Psychiatry at Bellevue Hospital Center in New York City. A former practicing attorney, she is also an adjunct professor at the John Jay College of Criminal Justice, City University of New York, where she has taught courses in both Psychology and the Law, and Family Violence.

# Preface

This third volume of *Violence Against Women* contains almost all of the articles that appeared from January 2003 through December 2004 in *Domestic Violence Report* and *Sexual Assault Report*, as well as some important appendix material from earlier years that we were not able to include in the last volume because of space limitations. As with the previous two volumes, despite a wealth of material covering many aspects of violence against women, neither this volume nor the series as a whole is meant to provide total coverage of the subject. Almost entirely lacking are the voices of the many victims of domestic and sexual violence, voices that we should never forget in our quest to end violence.

Notwithstanding the possible assumption from the book's title that all violence is perpetrated against women, or by men, the editor and publisher sadly know that the situation is far more complex. We strongly believe that all interpersonal violence is wrong, that society must find ways to end it, and that this will only happen if society holds abusers accountable. Consistent with this recognition, some of the articles in this volume discuss situations where males are the victims and an entire chapter is devoted to situations where females are the perpetrators. However, overwhelmingly interpersonal violence is perpetrated by males against females, and there is little doubt that females are far more likely to be seriously harmed by this physical, sexual, and emotional abuse than are men, although abuse responses are highly individualistic and depend on many circumstances, including but not limited to a person's prior experiences, the type(s) of abuse, the duration and severity of the abuse, how complicit the person was made to feel in its perpetration, and how much support and protection the person gets. We also know that all perpetrators, and all of the victims, whatever their age can be of either gender; of any racial, ethnic, or national group; from any religious background; or of any sexual orientation. Furthermore, as we learn more about teen dating violence and bullying behavior we also know that not all perpetrators are adults. Last, while abuse is less likely among the elderly, we have unfortunately learned that many abusers do not "age out" but remain, or even first become, abusive in old age, and that the elderly victims are far more vulnerable to serious injury.

This volume is organized somewhat differently from its predecessors. The volume is divided into three parts and 16 chapters. Part I focuses on understanding abuse, abuse victims, and its perpetrators. Its seven chapters look at public perceptions, myths, and biases about abuse; male perpetrators; female perpetrators; stalkers and Internet offenders; the experiences of victims; when children are victims; and cultural issues affecting victims. Part II covers legal issues, as did the second part of Volume II, but here the six chapters are somewhat different in organization and approach. These chapters discuss criminal law approaches and developments, the use of orders of protection and other civil protections, rules and laws regarding evidence, legal issues in cases where a child is the victim or perpetrator, damages and tort law. The final chapter in this section digests other interesting cases from around the country. Part III, again following the model of Volume II, includes issues involved in interventions and treatment, and has three chapters. However, here these chapters cover health care responses, batterer intervention programs, and community and law enforcement responses. Part III includes some of the most controversial material, since it discusses some of the newest and most promising approaches, but also raises serious questions about approaches that have simply not proven to be as effective as we had hoped. Much of this controversy revolves around batterer treatment and intervention programs, and it is for this reason that an entire chapter is devoted to whether they work, and if so how well. While the jury is still out, it is fair to say that at best their effect is minimal. At the same time we are learning more that police and criminal justice interventions are themselves positive in stopping violence, and that the more coordinated a response a community can mount, the more effective it is. The newest approach noted in this section is for



one-stop centers where representatives of all providers are situated in one location, so that already stressed out victims need not travel endlessly from one agency to another to obtain the services desired. Unfortunately, we are learning more about the effectiveness of criminal justice responses at a time when many in the movement are questioning if this is the right solution, or one that is often not what victims want. What is clear is that all victims want the abuse to stop, and whatever we do, we need to be able to use effective interventions or we only become part of the problem.

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