

Date: 03/21/95 Time: 15:13

Clinton Creates Office Focusing on Violence Against Women

WASHINGTON (AP) Trying to mobilize support for last year's embattled crime law, President Clinton on Tuesday named a former Iowa attorney general to head the new Violence Against Women office and announced the first \$26 million in grants to protect women.

With violence against women growing significantly faster than the overall crime rate, "It's a bigger threat than cancer or car accidents," Clinton said in an East Room ceremony.

He appointed Bonnie Campbell, former Iowa attorney general, to be the first director of a special Violence Against Women Office in the Justice Department that was authorized in the crime law.

"If children aren't safe in their homes, if college women aren't safe in their dorms, if mothers can't raise their children in safety, then the American dream will never be real for them, no matter what we do in economic policy," Clinton said. "This is key to everything else we want to do."

The \$26 million in grants, also authorized in the crime law, will go to all 50 states. Each state can receive up to \$426,000 to bolster law enforcement, prosecution and victims' services related to violence against women. Clinton called it a down payment on \$800 million to be released over six years.

Republicans have not threatened the crime bill's provisions to combat violence against women but the White House fears a GOP proposal for a \$5 billion cut in the broader crime law trust fund could affect women's programs.

"We can't stand by to see it depleted," said Attorney General Janet Reno.

Clinton acknowledged that the crime law is not the "end-all and be-all, the ultimate answer" to the nation's crime problem, but said it was providing needed money for important anti-crime efforts.

"I will not permit the crime bill to be undercut," he declared. "It is just starting to make a difference in the lives of Americans," particularly women and children.

Campbell, in accepting the appointment, recalled her horror at seeing a friend of hers who was regularly abused by her husband.

"There's no doubt in my mind that this experience of witnessing the destruction and the pain in that family is the reason I am here today and I care so much about this fight," she said.

As Iowa attorney general, Campbell authored one of nation's first anti-stalking laws and solicited private contributions to raise public awareness about campus violence.

"It's the same kind of dialogue I hope to initiate on a national scale," she said. "Violence against women, whether at the hands of a stranger or in their homes, is a serious crime."

The White House released a chilling set of statistics supplied by the Justice Department on the extent of violence against women. Rape rates have risen nearly three times faster than the total crime rate during the past 10 years. Three to four million women are victims of domestic violence every year, most at the hands of their husbands, boyfriends or other acquaintances. One-third of all American women who are killed die at the hands of a husband or boyfriend.

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PRESIDENT CLINTON RELEASES STOP GRANTS TO STATES AND ANNOUNCES DIRECTOR OF NEW VIOLENCE AGAINST WOMEN OFFICE

March 21, 1995

Highlighting his continued commitment to fight violent crime and protect victims rights, President Clinton today will implement another provision of the 1994 Crime Bill. The President will announce approximately \$26 million in STOP (Services, Training, Officers and Prosecution) Grants to states to fight violence against women. In addition to announcing the grants, he will announce the appointment of former State Attorney General Bonnie Campbell to spearhead the Administration's efforts to fight violence against women as Director of a special Violence Against Women Office at the Department of Justice.

At the ceremony in the East Room of the White House, the Attorney General will introduce the former Director of the Suffolk County Domestic Violence Office Sarah Buel, who will then introduce the President. Following the President's remarks, he will announce the appointment of Bonnie Campbell and introduce her for remarks. Also expected to attend are Health and Human Services Secretary Donna Shalala and a bipartisan group of Senators and Representatives.

STOP Grants

The President today will announce \$26 million in STOP Grants to states across the country. The Grants, which were authorized under the Violence Against Women Act, will be available to all fifty states. Each state can receive up to \$426,000 to bolster their law enforcement, prosecution, and victims services that address violence against women. At least 25 percent of these funds must be dedicated to enhance direct services for these victims of crime.

The Violence Against Women Act

The Violence Against Women Act (VAWA), which was included in the 1994 Crime Bill, is the first comprehensive federal effort to fight violence against women and to protect the rights of victims. VAWA combines tough federal criminal laws with assistance to states and localities to fight violence against women.

Although crimes against women are rising faster than the total crime rate, funding for the crime bill's Violence Against Women Act could be jeopardized by calls last week in Congress to take \$5 billion from the Crime Control Trust Fund -- a cut of one-sixth from total Congress promised police and the American people last year.

VAWA's new enforcement provisions include a new federal offense for crossing state lines in order to continue abuse of a fleeing spouse or partner and tougher penalties for perpetrators of sex crimes.

-more-

Violence Against Women continued, page two

The VAWA also provides a substantial new commitment of federal resources -- more than \$1.6 billion during the next six years -- for police, prosecution, prevention, and victim service initiatives in cases involving sexual violence or domestic abuse.

The 1994 Violent Crime Control and Law Enforcement Act

The 1994 Crime Control Act was landmark legislation for all victims of crime. The Act deters and punishes violent criminals without forgetting the crime victims themselves. In addition to authorizing a formula grant program to improve the law enforcement, prosecution, and victim service response to violence against women -- the Act does the following.

- Mandates that individuals convicted of certain federal crimes related to sexual abuse or child pornography be ordered to pay restitution to their victims.
- Establishes the victim's right of allocution, allowing victims of violent crime or sexual abuse or their family members to speak to the court before the imposition of a sentence.
- Protects victims of domestic violence and sexual abuse through a number of tough provisions.

Biography of Bonnie Campbell

Bonnie Campbell is a former Attorney General from Iowa. The first woman to hold the office, she was elected in November 1990. As Attorney General, she authored one of the first anti-stalking laws. She also sponsored county wide meetings for clergy, community leaders, law enforcement and victim advocates to develop effective responses to domestic violence. In addition, she solicited private donations for a public awareness campaign and presented programs on campus violence at more than 40 college campuses across the state.

Biography of Sarah M. Buel

Sarah M. Buel has spent the past seventeen years working with battered women and abused children in five states. She has taught hundreds of seminars and written extensively on family violence issues. She is currently the Evelyn Green David Fellow in Law at the Bunting Institute at Radcliff College. Prior to accepting the Fellowship, Ms. Buel was the director of the Domestic Violence Unit at the Suffolk County in Boston. She has received numerous awards and recognition for her work on family violence.

FIGHTING VIOLENCE AGAINST WOMEN

The Problem

Violence Against Women is One of America's Most Serious Crime Problems

- Crimes against women are rising at a significantly faster rate than total crime.
- During the past ten years, rape rates have risen nearly three times as fast as the total crime rate.
- Every year an estimated 700,000 rapes are committed or attempted, and millions of American women are victims of domestic violence or sexual abuse. And, less than half of all violent crimes against women are reported.

Violence Against Women often Means Violence in the Home or at the Hands of Intimates.

- Three to four million women are victims of family violence every year, and more than two thirds of violent crimes against women are committed by husbands, boyfriends or someone known to the victim.
- One-third of all American women killed die at the hands of a husband or a boyfriends.

The Justice System Hasn't Responded

- Frequently, victims are left without immediate assistance or protection from perpetrators because of law enforcement's inadequate training and scarce resources.
- Almost half of all convicted rapists serve an average of only one year or less behind bars -- almost 25 percent of convicted rapists never go to prison, and another 25 percent receive sentences in local jails where the average sentence is 11 months.



U.S. Department of Justice Fact Sheet

Office of Justice Programs

STOP

Services • Training • Officers • Prosecutors

Violence Against Women

Formula Grants

- \$26 million has been appropriated for law enforcement, prosecution and victim services grants to reduce violence against women in FY 1995 under Title IV of the Violence Against Women Act (VAWA).
- Fiscal Year 1995 VAWA formula grants lay the foundation for on-going efforts to restructure and strengthen the criminal justice response to reduce violence against women.
- In FY '95 each State is eligible to receive approximately \$426,000.
- States must allocate 25% of the VAWA funds they receive to law enforcement, 25% to prosecution and 25% to non-profit victim services. The remaining 25% may be allocated at the State's discretion within the parameters of the Act.
- Funds granted to qualified States are to be further subgranted by the State to agencies and programs including, but not limited to, State agencies; public or private nonprofit organizations; units of local government; Indian tribal governments; nonprofit, nongovernmental victim services programs; and legal services programs for victims to carry out programs and projects specified in the Act.
- VAWA grants may be used to develop and enhance victim services programs; train law enforcement officers; expand the number of personnel in law enforcement and prosecution agencies to target violent crimes against women; develop more effective policies, protocols, orders, and services to prevent violent crime against women; and apply advanced technology to improve communications and data collection systems for purposes of identifying and tracking arrests, protection orders and prosecutions.
- To receive a VAWA grant, States must certify that all out-of-pocket costs of forensic medical examinations for victims

of sexual assault will be paid by the State, unit of local government, or any other governmental entity.

- States must also certify that victims of domestic violence are exempt from paying the costs associated with filing criminal charges or issuing or serving a warrant, protection order, or witness subpoena in connection with the prosecution of felony or misdemeanor domestic violence offenses. If this is not the current practice, States must assure that they will be in compliance by September 13, 1996, or at the end of the next legislative session, whichever is later.

- Participating States must develop implementation plans through documented consultation and coordination with a broad range of participants, including prosecution, law enforcement, and nonprofit, nongovernmental victim services programs, such as sexual assault and domestic violence victim services programs.

- In making subgrants, States must give priority to areas of varying geographic size with the greatest showing of need based on population and the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served. States must also insure equitable geographic distribution among urban, nonurban and rural areas. In addition, States must also address the needs of populations previously underserved due to geographic location, racial or ethnic barriers, or special needs such as language barriers or physical disabilities.

- Subgrants awarded under the VAWA Formula Grant Program may support up to 75% of the total cost of each project. Cash or in-kind services may be used for match. Nonprofit, nongovernmental victim services programs are exempt from the match requirement.

- States may allocate up to 5% of the total award amount for administrative purposes; a match is not required for these funds.

For additional information, please contact:

**Violence Against Women Program Office
Office of Justice Programs
633 Indiana Avenue, NW
4th Floor
Washington, D.C. 20531**

**Phone: (202) 307-6026
Fax: (202) 307-2019**

March 21, 1995

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 21, 1995

REMARKS BY THE PRESIDENT
AT VIOLENCE AGAINST WOMEN ACT EVENT

The East Room

1:11 P.M. EST

THE PRESIDENT: Thank you, Sarah, for your wonderful remarks and for the powerful example of your life. I was watching you speak today, thinking of your story, wondering how many other stories like yours there might have been if our society had responded more properly, and how many more there will be now because we are going to do the right things.

I thank Attorney General Reno and Secretary Shalala, and of course, Senator Biden and Senator Hatch and Senator Boxer, Senator Harkin, Senator Kerry, Senator Moseley-Braun, Senator Wellstone -- we've nearly got a quorum. (Laughter.) Congresswoman DeLauro, Congresswoman Mink, Congresswoman Morella, Congresswoman Blanche Lambert-Lincoln. I thank you all for being here.

This is an important day for me. This is an issue with which I have dealt as President, as a governor, as an attorney general, as a citizen, going for years with my wife to the shelters in our state for battered women and their children, and as a human being. And I have looked forward to this day for a very long time.

We spend a lot of time in Washington, and we are now having a great and fascinating debate about what the role of this government ought to be and how we're going to get into the next century, and how we're going to create opportunity for all the American people. This is a good thing that we're doing. It's exciting. And I'm having a good time. But, you know, let's be honest with each other. If children aren't safe in their homes, if college women aren't safe in their dorms, if mothers can't raise their children in safety, then the American Dream will never be real for them, no matter what we do in economic policy, no matter how strong we are in standing against the forces that would seek to undermine our values beyond our borders. This is key to everything else we want to do.

So I applaud the members of the Congress, and especially those who have been recognized already -- especially Senator Biden and Senator Hatch -- for recognizing that we had to take responsibility for trying to come to grips with issues that we ordinarily would think of as issues that belong to local law enforcement or local social agencies, or even to the privacy of the home.

When we were fighting so hard last year to pass the crime bill, with the emphasis on more police and more punishment and more prisons and more prevention, one of the things that almost got lost was the Violence Against Women Act. I think it almost got lost for a very regrettable reason in this day and time -- the Republicans and the Democrats weren't fighting about it. We really had a national consensus that we had to do something. And because we knew we had to do something and it passed, it was almost unnoticed.

MORE

But, you know, domestic violence is now the number one health risk for women between the ages of 15 and 44 in our country. If you think about it, it's a bigger threat than cancer or car accidents. The incidents of rape is rising at three times the rate of the crime rate. The FBI estimates that a woman is beaten in this country once every 12 seconds. And we know, too, that often when a spouse is beaten, the children as well.

For too long, domestic violence has been considered purely a private matter. From now on, it is a problem we all share. (Applause.) What are we going to do about it? The first thing we have to do is do what we can to prevent violence. One part of the crime bill I am proudest of will help in our efforts to stop repeat offenses against women. It will prohibit individuals with a restraining order against them from purchasing or possessing a gun. No ifs, ands or buts. (Applause.)

When crimes do occur, we must restore the rights of victims to their proper place. That means giving them the right to speak at sentencing hearings. And above all, it means helping victims rebuild their lives. We'll require sexual offenders to pay restitution to their victims. We must help people who suffer violence put their lives back on track and put the burdens on the criminals where they belong.

To help in prevention and in assisting victims, the crime bill establishes a Violence Against Women Office at the Department of Justice. Today I am pleased to announce that Bonnie Campbell of Iowa will be the first director of that office. As Iowa's first female attorney general, Bonnie Campbell helped to enact strong domestic violence and anti-stalking laws in that state. She worked with counties and college campuses to raise awareness about domestic violence. And she endorsed a victims rights amendment to the state constitution. A big part of her new job will be helping states and communities to deal with domestic violence.

Today we are making available \$26 million to help the states open rape crisis centers, to staff domestic violence hotlines, to provide victims advocates, to pay for more officers and more training. This is the first down payment on a six-year commitment of \$800 million for this purpose. (Applause.)

This is part of a report I should make at least to these members of Congress who are here about the crime bill. The work has already begun. In just four months we have awarded more than 16,000 police officers to half the police departments in America. We're taking guns and criminals off the streets. The three-strikes-and-you're-out law is being enforced in Iowa and in many other states throughout the country. In short, we are under budget and ahead of schedule. And I want more of that from our government.

We passed this crime bill with bipartisan support. And I'd be the last person to say that it's the end-all and be-all, the ultimate answer to all the problems of crime in America. But I will not permit the crime bill to be undercut. It is just starting to make a difference in the lives of America. We have to keep going. We have to make a difference in the lives of everyone, but especially the women and the children we are called here today to pledge our allegiance to protect.

Let me begin this introduction of Bonnie Campbell and end it with a simple thank you. It's hard to get anybody with good sense to leave Iowa to come to Washington. (Laughter.) And I thank her for doing it and for the shining example she has set in public service and for the excellent work I am confident she will do in this important position.

Bonnie. (Applause.)

END

1:20 P.M. EST



Crime Data Brief

Child Rape Victims, 1992

Patrick A. Langan, Ph.D.
Caroline Wolf Harlow, Ph.D.
BJS Statisticians

According to the FBI, 109,062 forcible rapes of females were reported to the Nation's law enforcement agencies in 1992.¹ A Bureau of Justice Statistics (BJS) survey of the States (including the District of Columbia) solicited data on victims' ages. Thirty-six States reported that they did not keep such statistics, and the remaining 15 responded with information on 26,427 female victims, or nearly one-fourth the national total. Statistics from the BJS State survey revealed that:

About 1 in 4 rape victims were under age 10 in Delaware, Michigan
age 11 in North Dakota
age 14 in Arkansas
age 15 in Alabama, Pennsylvania, Wisconsin
age 16 in the District of Columbia, Idaho

About 1 in 3 rape victims were under age 13 in Delaware, Michigan, North Dakota
age 16 in Nebraska, Pennsylvania, Wisconsin
age 17 in Alabama
age 18 in the District of Columbia, Idaho

¹FBI, *Crime in the United States*, 1992, p. 23, 1993.

Female rape victims under age 18

Twelve States reported in sufficient detail to distinguish juvenile from adult rape victims. Their 20,824 victims comprised 20% of the national total. In the 12 States, 51% of female rape victims were juveniles under age 18. By comparison, females under 18 comprised 25% of the 1992 U.S. female population.

Female rape victims under age 12

Two Federal statistical programs provide national measures of rape incidence: the FBI's Uniform Crime Reporting (UCR) program, which records rapes reported to law enforcement agencies, and the BJS National Crime Victimization Survey (NCVS), which records reported and unreported rapes, based on Census Bureau interviews with the American public ages 12 years and older.

While statistics from the NCVS provide details on victims' ages, they do not include children under age 12. Experts agree that this segment of the population cannot be reliably interviewed in the NCVS. Children under 12 are included in the UCR Program, but UCR national statistics provide no

State	Number of female victims of forcible rape*	Cumulative percent of female victims of forcible rape									
		under age 10	under age 11	under age 12	under age 13	under age 14	under age 15	under age 16	under age 17	under age 18	18 or older
Alabama	1,404	4%	6%	7%	10%	17%	24%	30%	35%	38%	62%
Arkansas	986	9				24				44	58
Delaware	783	22			29		50	61	66	71	29
District of Columbia	205			5				22	28	32	68
Florida	7,280		14							46	54
Idaho	221	5			9		20	24	29	35	65
Kansas	1,013	1					12				
Michigan	4,731	25	28	31	35	41	49	58	64	68	32
Nebraska	290		6					31		42	58
North Carolina	2,397		5					20			
North Dakota	124		25	30	35	44	48	50	52	57	43
Pennsylvania	2,996		9		14		25	32	37	42	58
Rhode Island	490					49				70	30
South Carolina	2,193	9			16				40		
Wisconsin	1,314	4	6	8	10	14	22	29	37	42	58

Note: Blanks indicate detail was not reported.

*Excludes victims with unknown age.

Source: BJS State survey of rapes reported to law enforcement agencies in 1992.

age details. Consequently, neither program offers information on rape victims under 12. In recent years a growing number of States have adopted a more detailed reporting system in the UCR program. Data from the developing system were gathered in the BJS survey of States and used here to estimate the number of rape victims under age 12. The estimate was based on those States that indicated the number of victims under age 12 or thereabout. Data from 12 States qualified: the 5 that reported the number under 12, 4 others that reported the number age 12 and under, and 3 others that reported the number under 11.

The 12 States reported ages on 23,938 victims, or 22% of the national total.² Based on these data, an estimated 16% of rape victims, or 1 in 6, were under age 12. By comparison, females under 12 comprised 17% of the 1992 U.S. female population.

Applying the 16% figure from the 12 States to the national total, BJS estimated that nationwide about 17,000 girls under age 12 (16% of 109,062) were raped in 1992. This is a conservative estimate because it was derived from statistics on rapes reported to law enforcement officials and did not include unreported rapes. Also, to some unknown degree the estimate is imprecise because the 12 States that formed its basis were probably not nationally representative.

Victim-offender relationship

Two sources provided information on rapists: interviews with rape victims reported to law enforcement agencies in 1991 in three States (Alabama, South Carolina, North Dakota), and 1991 interviews with rapists confined in the Nation's State prisons. Sources indicated similar accounts of rape victim ages:

Source	Percent of female rape victims			
	Total	Under 12	12-17	18 or older
Victims in 3 States	100%	14%	29%	57%
Imprisoned rapists	100	14	24	62

²These are not the same 12 States that reported the number under age 18.

Regardless of source, when the victim was under 12, the likelihood of a family relationship was relatively high: 46% of victims and 70% of imprisoned rapists. Additional detail from the three-State survey revealed that 20% of victims under age 12, 11% of victims age 12 to 17, and 1% of those 18 or older were raped by their fathers.

Relationship between victim and offender

The older the victim, the less likely that victim and offender were family members and the more likely they were strangers to one another: 4% of victims under 12 said the rapist was a stranger, compared to 33% of victims 18 or older; 6% of imprisoned rapists of females under 12 said the victim was a stranger, compared to 47% of imprisoned rapists of females 18 or older.

Victim's age	Victim-offender relationship			
	Total	Family	Acquaintance or friend ^a	Stranger
Source: Victims in 3 States				
Under 12	100%	46%	50%	4%
12-17	100	20	65	15
18 or older	100	12	55	33
Source: Imprisoned rapists				
Under 12 ^b	100%	70%	24%	6%
12-17	100	36	45	19
18 or older	100	8	45	47

^aIncludes other nonfamily relationships.

^bMay include some 12-year-olds.

Sources: tabulated from data described in BJS, *Using NIBRS Data to Analyze Violent Crime*, NCJ-144785, October 1993; BJS, *Survey of State Prison Inmates, 1991*, NCJ-136949.

Acknowledgment: Richard Florence (Justice Research and Statistics Association) collected State rape data through a telephone survey of State Statistical Analysis Centers, and police officials of D.C., Nevada, and Wyoming.

U.S. Department of Justice
Office of Justice Programs
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Child Rape Victims



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EST
WEDNESDAY, JUNE 22, 1994

BJS
202-307-0784

HALF OF WOMEN RAPED DURING 1992
WERE YOUNGER THAN 18 YEARS OLD

WASHINGTON, D.C. -- Half of the women who reported they had been raped during 1992 were juveniles under 18 years old, and 16 percent were younger than 12, according to a Department of Justice study released today of 11 states and Washington, D.C.

A separate study in 1991 in three states found that 96 percent of the female rape victims younger than 12 years old knew their attackers. Twenty percent were victimized by their fathers.

The figures were compiled by the Department's Bureau of Justice Statistics (BJS). The information from 11 states and the District of Columbia was from police data and accounted for 20 percent of the 109,000 rapes of females that were reported to law enforcement agencies during 1992.

BJS said this was the first multi-state study that documents the high frequency of child rape.

(MORE)

"We have long known that many rape victims were young," commented Acting BJS Director Lawrence A. Greenfeld. "However, the new data tell us for the first time just how young some victims are and who their attackers were."

BJS said that nationwide 17,000 girls under the age of 12 were raped during 1992 but pointed out that this is a conservative estimate, because it included only reported rapes.

The young rape victims as percentages of the total number of women raped during 1992 in 14 states and the District of Columbia were as follows:

<u>State</u>	<u>Rape Victims Younger Than</u>	<u>Percentage of State Total</u>
Alabama	15 years old	24%
Arkansas	14	24
Delaware	10	22
Dist. of Columbia	16	22
Florida	18	46
Idaho	16	24
Kansas	15	12
Michigan	10	25
Nebraska	16	31
North Carolina	16	20
North Dakota	11	25
Pennsylvania	15	25
Rhode Island	14	49
South Carolina	17	40
Wisconsin	15	22

(MORE)

In the 1991 study in three states--Alabama, North Dakota and South Carolina--police investigators determined that only 4 percent of the rape victims younger than 12 years old were attacked by strangers during 1991. All the other assailants were either family members (46 percent) or acquaintances or friends (50 percent). Twenty percent were raped by their fathers. Among 12- to 17-year-old victims, 20 percent were raped by family members, 65 percent by an acquaintance or friend and 15 percent by a stranger. Among those 18 years old or older, 12 percent were raped by a family member, 55 percent by an acquaintance or friend and 33 percent by a stranger.

A 1991 BJS survey of state prisoners confined for child rape (the rape of girls under 12) revealed that 94 percent of the offenders said their victim was either a family member, acquaintance or friend, an estimate almost identical to that found in the 1991 law enforcement data from the three states.

Single copies of the BJS Crime Data Brief, "Child Rape Victims, 1992" (NCJ-147001), as well as other BJS statistical reports may be obtained from the BJS Clearinghouse, Box 179, Annapolis Junction, Maryland 20701-0179. The telephone number is 1-800-732-3277. Fax orders to 410-792-4358.



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EST
SUNDAY JULY 10, 1994

BJS
202-307-0784

WIVES ARE THE MOST FREQUENT VICTIMS IN FAMILY MURDERS

WASHINGTON, D.C. -- Wives are the most frequent victims of fatal family violence, according to a study of family murder made public today by the Justice Department.

In a study of more than 8,000 homicides in large urban counties, the Bureau of Justice Statistics (BJS) said 16 percent involved murder inside the family, in four out of ten of them a spouse killed a spouse. Offspring were killed by their parents at twice the rate that offspring killed their parents.

A male was the assailant in about two-thirds of family murders. However, among black marital partners, wives killed their husbands at about the same rate as husbands killed their wives--47 percent of the black spouse victims were husbands and 53 percent were wives. Among white victims murdered by their spouses, 38 percent of the victims were husbands and 62 percent were wives.

(MORE)

Most murders inside the family happened at night--62 percent. Alcohol was often part of the fatal scenario. Nearly half of the killers and a third of their victims had been drinking at the time of the family homicide.

The study, based on murder cases disposed of in 1988 in the 75 largest U.S. counties, determined that family murder victims were related to their assailants as follows:

Husband or wife of murderer . .	40.9%
Offspring	20.9
Parent	11.7
Sibling	9.4
Other type of family member . .	17.1

Other data developed in the study included:

--Six percent of family murderers killed more than one person. Among spouse murderers, 2 percent committed multiple murders and among persons who murdered their own mother or father (or both parents), it was 13 percent.

--Fourteen percent of family murderers had a history of mental illness. Among spouse murderers, 12 percent had such a

(MORE)

history, and 25 percent of persons who murdered their mother or father had a history of mental illness.

--Fifty-six percent of family killers had a history of arrests or convictions. Among those who killed a spouse, 51 percent had a prior criminal record (not necessarily for spouse abuse), and among defendants who killed one or both of their parents, 67 percent had been previously arrested or convicted.

--Seventy-six percent of the family murderers were convicted of murder or some other crime, 6 percent were acquitted, 9 percent were not prosecuted, 4 percent were dismissed by the court, 3 percent were found not guilty by reason of insanity and the remainder were still pending.

--Eighty percent of the spouse murderers were convicted of murder or some other crime, 6 percent were acquitted, 7 percent were not prosecuted, 4 percent were dismissed by the court, 1 percent were found not guilty by reason of insanity, and the remainder were pending.

(MORE)

--Seventy percent of defendants charged with killing their parents were convicted of murder or some other crime, 6 percent were acquitted, 6 percent were not prosecuted, 5 percent were dismissed by the court, 9 percent were found not guilty by reason of insanity, and the remainder were pending.

--Eighty-eight percent of convicted family murderers were sentenced to prison with an average sentence of 13 years. Corresponding figures for convicted spouse murderers were 89 percent prison and an average sentence of 13 years, for convicted parent murderers, 95 percent prison and a sentence average of 13 years.

--Thirteen percent of convicted family murderers received a sentence to life imprisonment. For convicted spouse murderers, it was 13 percent and for convicted parent murderers, 18 percent.

--Seventy-nine percent of those younger than 12 years old who had been killed by a parent had been previously abused by their assailant.

(MORE)

--Eleven percent of all victims who were 60 years old or older were killed by a son or a daughter.

Single copies of the BJS special report, "Murder in Families" (NCJ-143498), as well as other BJS statistical reports may be obtained from the BJS Clearinghouse, Box 179, Annapolis Junction, Maryland 20701-0179. The telephone number is 1-800-732-3277. Fax orders to 410-792-4358.

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94-84

After hours contact: Stu Smith 301-983-9354



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EST
SUNDAY, JANUARY 30, 1994

BJS
202-307-0784

**TWO-THIRDS OF WOMEN VIOLENCE VICTIMS
ARE ATTACKED BY RELATIVES OR ACQUAINTANCES**

WASHINGTON, D.C. -- A study of violence against women shows that two-thirds of these attacks were committed by someone the victim knew--such as a husband, boyfriend, other family member or acquaintance--a much higher figure than for men.

The survey, conducted by the Justice Department's Bureau of Justice Statistics, found approximately 2.5 million of the nation's 107 million females 12 years old and older were raped, robbed or assaulted in a typical year, or were the victim of a threat or an attempt to commit such a crime. Twenty-eight percent of the offenders were intimates, such as husbands or boyfriends, and another 39 percent were acquaintances or relatives.

"The number of women attacked by spouses, former spouses, boyfriends, parents or children is more than 10 times higher than the number of males attacked by such people," said Acting Bureau Director Lawrence A. Greenfeld.

(MORE)

Approximately one in four attacks involved the use of a gun or knife, according to the study. Young, black and Hispanic women were especially vulnerable, as were poor single women with low education levels who lived in inner cities. The findings were drawn from more than 400,000 interviews conducted between 1987 and 1991.

The report pointed out that although violent crimes against males have decreased since the Bureau of Justice Statistics started its annual victimization surveys in 1973, the rate against females has remained relatively constant. However, males were victimized at a 63 percent higher rate than females--40.5 violent offenses per 1,000 males compared to 24.8 per 1,000 females.

Although black females were more than twice as likely as were white females to be robbery victims, there were no significant racial differences in per capita rates among female victims of rape or assault.

Females who lived in central cities were twice as likely to be raped as were women who lived in suburban or rural areas. Inner-city women were also more than twice as likely to be robbed as were suburban women and four times more likely than rural women.

(MORE)

Among women injured during the offense, injuries were almost twice as likely to happen if the offender was a husband or boyfriend than if the offender was a stranger.

Generally speaking, violent crime against women was intraracial. Eighty percent of the violent crimes against white women were committed by white offenders, and almost 90 percent of the violent crimes against black women were committed by black offenders.

Women with family incomes of less than \$10,000 were five times more likely to be attacked by an intimate than were women with family incomes of \$30,000 or more.

Eighteen percent of the women who were attacked by intimates did not report the offense to police because they feared reprisal from their attackers, compared to 3 percent who were attacked by strangers.

Single copies of the BJS National Crime Victimization Survey Report, "Violence Against Women" (NCJ-145325) as well as other BJS statistical reports may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.



Violence against Women

A National Crime Victimization Survey Report

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January 1994, NCJ-145325

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Lawrence A. Greenfeld
Acting Director

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Data utilized in this report are available from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0950.

Foreword

The National Crime Victimization Survey (NCVS) is the single most comprehensive source for information on the experience and consequences of violent crimes against women. This report, based upon a nationally representative sample survey of women and entailing about 400,000 individual interviews, provides us with many important insights about violence suffered by women:

— more than 2 1/2 million women experience violence annually;

— women are about equally likely to experience violence perpetrated by a relative or intimate, an acquaintance, or a stranger — nearly 2 in 3 female victims of violence were related to or knew their attacker;

— about 1 in 4 attacks on females involved the use of a weapon by the offender — about 1 in 3 of these involved a firearm;

— about 3 out of 4 female victims of violence resisted the actions of the offender either physically or verbally;

— about a third of female victims of violence were injured as a result of the crime;

— about half the women victimized by violence reported the crime to the police, and among those who didn't, about 6 in 10 said that they considered the matter a private or personal one or they felt the offense was minor; and,

— nearly half the victims of rape perceived the offender to have been under the influence of drugs and/or alcohol at the time of the offense.

These findings, and the many more detailed observations included in this report, will be expanded in the coming years because of redesigned questions on the experiences of women with all forms of forced or unwanted sexual contact. This redesign effort demonstrates our belief that we must continuously evaluate and improve the methods used to gauge the extent of difficult-to-measure crimes, which involve issues sensitive for those being interviewed.

On behalf of BJS, I extend my appreciation to each respondent who, because of her willingness to discuss her experiences, has made this report possible.

Lawrence A. Greenfeld
Acting Director

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Introduction

This report uses data from the National Crime Victimization Survey (NCVS) of the Bureau of Justice Statistics (BJS) to provide a detailed accounting of violent crime victimization against women and how this victimization differs from victimization against men. Several types of violent crime were investigated, including rape, robbery, and assault. In addition, a special section examined the incidence rates and contextual characteristics of personal larceny victimizations which involved contact, such as purse snatching and pocket picking.

Another section of the analysis presents the characteristics of violent victimizations by victim-offender relationship:

- *intimate* (for example, boyfriend, girlfriend, spouse, ex-spouse)
- *other relative* (for example, parent, sibling, grandparent, in-law, cousin),
- *acquaintance* (for example, friend, someone known by face only), and
- *stranger*.

Major findings from the NCVS data include:

- Although women were significantly less likely to become victims of violent crime, they were more vulnerable to particular types of perpetrators. Whereas men were more likely to be victimized by acquaintances or strangers; women were just as likely to be victimized by intimates, such as husbands or boyfriends, as they were to be victimized by acquaintances or strangers. The rate of violence committed by intimates was nearly 10 times greater for females than for males.
- Over two-thirds of violent victimizations against women were committed by someone known to them: 31% of female victims reported that the offender was a stranger. Of those known offenders, approximately 28% were intimates such as husbands or boyfriends, 35% were acquaintances, and the remaining 5% were other relatives. In contrast, victimizations by intimates

and other relatives accounted for only 5% of all violent victimizations against men. Men were significantly more likely to have been victimized by acquaintances (50%) or strangers (44%) than by intimates or other relatives.

- Women who were black, Hispanic, in younger age groups, never married, with lower family income and lower education levels, and in central cities were the most vulnerable to becoming the victims of violent crime.

- White and black women experienced equivalent rates of violence committed by intimates and other relatives. However, black women were significantly more likely than white women to experience incidents of violence by acquaintances or strangers.

- Among women who experienced a violent victimization, injuries occurred almost twice as frequently when the offender was an intimate (59%) than when a stranger (27%). Injured women were also more likely to require medical care if the attacker was an intimate (27%) rather than a stranger (14%).

For rape victims, however, the outcome was different: Women who were raped by a stranger sustained more serious injuries than women raped by someone they knew.

- Almost 6 times as many women victimized by intimates (18%) as those victimized by strangers (3%) did not report their violent victimization to police because they feared reprisal from the offender.

- Rape was more likely to be committed against women by someone known to them (55%) than by a stranger (44%).

- Rape victimizations involving known offenders were almost twice as likely to occur at or near the victim's home (52%) compared to rapes by strangers, which were more likely to occur in an open area or public place (43%). Almost a quarter of rapes by strangers did occur at or near the victim's home.

Incidence rates and characteristics of criminal victimization for males and females

- The violent crime rate for males has decreased since 1973; however, the rate of violent crime for females has not. Rates of violent victimization against females remained relatively consistent from 1973 to 1991. The 1991 female rate of 22.9 translates as approximately 2,500,000 women in the United States experiencing a violent crime in that year (figure 1).

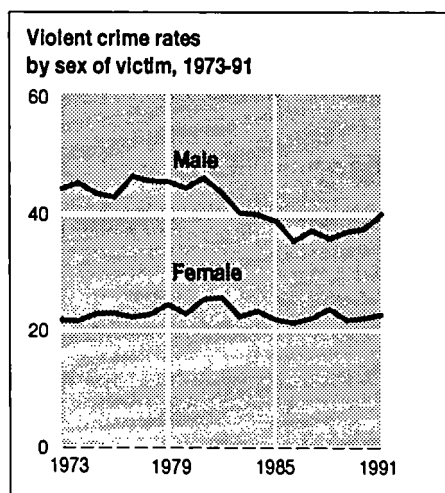


Figure 1

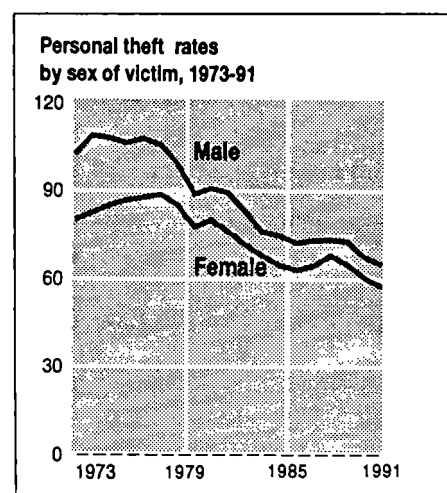


Figure 2

- Theft victimization rates for both females and males were generally declining during the 1973-91 period. The decline for males, however, was much faster than the decline for females (figure 2).

- Except for rape, females were significantly less likely than males to experience all forms of violent crime during 1987-91 (table 1).

- Although overall theft victimization rates were higher for males than females, no significant differences between the sexes existed in the rates of personal larceny with contact, that include crimes such as purse snatching and pocket picking.

Because females were as vulnerable to this type of theft as were males, personal theft involving contact is examined separately on page 4.

- Black and Hispanic females had a higher risk of experiencing a crime of violence than white and non-Hispanic females (table 2).

- Both non-Hispanic males and females experienced higher rates of theft crimes than their Hispanic counterparts.

- While white females experienced higher theft victimization rates than black females, the converse was true for males. Black males had higher theft victimization rates than white males.

- Younger females and males were more likely than all older persons to experience both violent and theft victimizations. Females over age 35 were victimized by personal theft at about the same rate as males over age 35.

- Both females and males with higher family incomes experienced fewer crimes of violence than those in the lower income categories. Females in families making less than \$9,999 had a higher violent victimization rate than males in the highest income category of \$50,000 or more.

- The risk of experiencing a crime of theft was greater for females in the higher income categories, compared to those

Table 1. Average annual rate per 1,000 persons and average annual number of personal crime victimizations, by sex of victim, 1987-91

Type of crime	Average annual rate of crime victimizations per 1,000 persons	
	Male	Female
Crimes of violence	40.5	24.8
Rape	.2	1.3
Completed	.1	.6
Attempted	.1	.7
Robbery	7.4	4.0
Completed	4.6	3.0
Attempted	2.7	1.0
Assault		
Aggravated	12.4	5.1
Simple	20.4	14.3
Crimes of theft	71.6	64.2
Personal larceny		
With contact	2.3	3.1
Without contact	69.3	61.1
Average annual number of victimizations		
	Male	Female
Crimes of violence	3,926,415	2,600,607
Rape	17,859	132,172
Completed	7,268	58,614
Attempted	10,590	73,558
Robbery	719,865	426,975
Completed	449,302	316,187
Attempted	270,562	106,788
Assault		
Aggravated	1,207,673	543,153
Simple	1,981,016	1,498,305
Crimes of theft	6,943,990	6,712,738
Personal larceny		
With contact	222,104	314,882
Without contact	6,721,886	6,397,855

Note: Detail may not add to total shown because of rounding.

Table 2. Average annual rate of personal crimes per 1,000 persons age 12 or older for males and females, by demographic characteristics, 1987-91

Victim characteristic	Average annual rate of personal crimes per 1,000 persons			
	Male		Female	
	Crimes of violence	Crimes of theft	Crimes of violence	Crimes of theft
Total	40.5	71.6	24.8	64.2
Race				
White	38.6	71.0	23.8	65.2
Black	55.9	76.7	32.3	58.8
Other	38.7	71.8	23.2	57.8
Ethnicity				
Hispanic	49.5	67.8	29.3	60.3
Non-Hispanic	39.7	71.9	24.4	64.4
Age				
12-19	97.1	114.0	31.1	64.1
20-24	87.3	126.2	52.1	108.6
25-34	43.8	85.8	28.5	63.9
35-49	24.9	61.2	18.5	63.1
50-64	10.8	40.1	7.8	37.0
65 or over	5.0	20.1	3.5	19.5
Education				
Some high school or less	54.2	66.2	31.8	58.8
High school graduate	33.4	58.7	20.0	47.9
Some college	48.5	92.7	28.1	82.9
College graduate or more	22.9	78.4	18.2	86.8
Family income				
Less than \$9,999	69.0	79.5	42.9	59.5
\$10,000-\$19,999	45.3	65.2	27.3	59.5
\$20,000-\$29,999	37.9	69.3	23.6	63.8
\$30,000-\$49,999	32.5	70.5	17.3	65.2
\$50,000 or more	28.8	76.6	15.1	77.7
Marital status				
Never married	78.8	110.6	46.6	101.1
Married	18.5	47.9	11.1	49.4
Widowed	12.7	33.5	6.8	24.8
Divorced/separated	51.1	95.3	55.2	62.1
Location of residence				
Central city	55.9	90.2	34.4	79.1
Suburban	36.1	71.1	20.6	65.1
Rural	29.1	47.9	20.1	41.1

with lower family incomes. There was no consistent relationship, however, between rates of theft and family income for males. Females with either some college or a college degree had higher theft victimization rates and lower violent victimization rates than females with less education (table 2).

- Males who had never married were the most likely to experience a violent crime, followed by females who were divorced or separated. For both women and men, those who were widowed were the least likely to be victims of a violent crime.

- For crimes of theft, both females and males who had never married were more likely to be victimized, followed by divorced or separated individuals, those who were married, and widowers, respectively.

- Both females and males residing in central cities experienced the highest rates of both violent and theft crime victimizations, compared to their suburban or rural counterparts. Rural female and male residents had the lowest rates of victimization.

Demographic characteristics of female victims of rape, robbery, and assault

- Black females were more than twice as likely to experience a robbery as white females (table 3). No significant differences separated females of different races for the rates of rape and of aggravated or simple assault.

- Hispanic females were more likely to experience a robbery than non-Hispanic females, but Hispanic and non-Hispanic females were equally likely to experience other violent crimes.

- Women age 20-24 were the most likely to experience all types of violent crime. While the risk of becoming a victim of rape or assault decreased after age 34, women over age 65 were just as likely to be a robbery victim as those between ages 35 and 64.

- Women with less education generally experienced higher rates of aggravated and simple assault than women with more education. For the rates of rape or robbery, however, no significant differences occurred between women in diverse educational categories.

- Those in the lowest family income category of \$9,999 or less experienced the highest rates of all forms of violent crime. Rates of violent victimization decreased as income levels increased.

- For all forms of violent crime, females who either had never married or were divorced or separated experienced a

greater risk of victimization than other females. Widows were generally the least likely of all to be violent victims.

- Females residing in central cities were more vulnerable to all types of violent crime. They were twice as likely to experience a rape as suburban or rural females. Central city females were also over twice as likely to experience a robbery as their suburban counterparts and almost 4 times as likely to be robbed as females living in rural areas.

- Females living in suburban and rural residences experienced similar rates of rape, robbery, and assault.

Table 3. Average annual rate for crimes of violence per 1,000 females age 12 or older, by demographic characteristics, 1987-91

Characteristic	Average annual rate per 1,000 females				
	Total	Rape	Robbery	Aggravated assault	Simple assault
Total		1.3	4.0	5.1	14.3
Race					
White	23.8	1.1	3.4	4.8	14.4
Black	32.3	2.0	8.7	7.6	13.8
Other	23.2	1.3	3.9	4.8	13.0
Ethnicity					
Hispanic	29.3	1.1	6.6	7.0	14.6
Non-Hispanic	24.4	1.2	3.8	5.0	14.3
Age					
12-19	31.1	1.8	3.4	6.1	19.5
20-24	52.1	3.1	7.6	10.9	30.3
25-34	28.5	1.5	5.3	5.9	15.7
35-49	18.5	.7	3.1	4.0	10.7
50-64	7.8	.2	2.1	1.6	3.8
65 or over	3.5	.1*	1.3	.9	1.2
Education					
Some high school or less	31.8	1.5	4.5	7.1	18.6
High school graduate	20.0	1.1	3.5	4.1	11.3
Some college	28.1	1.6	4.6	6.1	15.8
College graduate or more	18.2	1.0	3.6	2.8	10.9
Family Income					
Less than \$9,999	42.9	2.4	7.4	10.1	22.9
\$10,000-\$19,999	27.3	1.4	4.6	5.7	15.6
\$20,000-\$29,999	23.6	1.0	3.0	5.0	14.5
\$30,000-\$49,999	17.3	1.0	2.2	3.0	11.3
\$50,000 or more	15.1	.5	2.1	2.8	9.5
Marital status					
Never married	46.6	2.9	7.3	9.1	27.0
Married	11.1	.3	1.8	2.7	6.3
Widowed	6.8	.3	2.1	1.6	2.6
Divorced/separated	55.2	2.8	8.8	11.0	32.5
Location of residence					
Central city	34.4	2.0	7.6	7.3	17.3
Suburban	20.6	.9	2.6	4.1	12.9
Rural	20.1	.9	1.9	4.3	12.8

*Estimate is based on 10 or fewer sample cases.

Purse snatching and other personal larceny involving contact

Because females, particularly elderly women, were found to be just as vulnerable as males to personal larceny involving contact (purse snatching and pocket picking), the characteristics of these victimizations against women warrant a more detailed description.

- White females were less likely to experience a personal larceny involving contact than were black females or females from another racial group (table 4). Hispanic females were also more likely to experience this type of victimization, compared to non-Hispanic females.

- Females in all age groups had equivalent rates of personal larceny involving contact. This pattern is quite different from the pattern observed for violent crime in which the risk of victimization decreased with age.

- Widowed females were as likely to experience personal larceny with contact as were those who had never married or who had divorced or separated.

- Females in central cities were over 3 times more likely to experience a personal larceny that involved contact than those in suburban areas and over 6 times more likely than females residing in rural locations.

Characteristics of personal larceny which involved contact differed between those females under the age of 65 and those who were age 65 or older (table 5).

- Regardless of age, most female victims of personal larceny involving contact were victimized in an open area or public place. However, almost twice as many victims over age 65 as younger victims were victimized at or near their home.

- Female victims in all age categories who experienced personal larceny with contact were more likely to be victimized between noon and 6 p.m., compared to any other period.

Table 4. Average annual rate of personal larceny involving contact per 1,000 females age 12 or older, by demographic characteristics, 1987-91

Characteristic	Rate per 1,000 females
Total	3.1
Race	
White	2.6
Black	5.0
Other	4.5
Ethnicity	
Hispanic	5.8
Non-Hispanic	2.7
Age	
12-19	1.3
20-24	4.1
25-34	3.2
35-49	2.2
50-64	2.7
65 or over	3.2
Education	
Some high school	2.9
High school graduate	2.0
Some college	3.0
College graduate or more	5.1
Family income	
Less than \$9,999	4.3
\$10,000-\$19,999	2.9
\$20,000-\$29,999	2.7
\$30,000-\$49,999	2.1
\$50,000 or more	2.9
Marital status	
Never married	4.1
Married	1.9
Widowed	3.6
Divorced/separated	4.3
Location of residence	
Central city	6.4
Suburban	1.9
Rural	.5

- Female victims of personal larceny age 65 or older were less likely to take self-protective action and more likely to report their victimization to police than their younger counterparts.

Table 5. Characteristics of personal larceny involving contact, by age of female victim, 1987-91

Characteristic	Percent of females experiencing personal larceny with contact		
	Total	Under age 65	65 or over
Value of property taken			
Total	100%	100%	100%
Under \$25	40	38	45
\$26-\$50	18	20	10*
\$51-\$100	14	13	14
Over \$100	21	21	23
Not ascertained	9	8	9
Location of incident			
Total	100%	100%	100%
At or near home	14	12	23
Commercial location	16	15	21
Parking area or garage	14	12	17
In or near school	3	3	0
Open/public area or public transportation	50	53	35
Not ascertained	3	6	4
Whether incident took place in daylight or dark			
Total	100%	100%	100%
Incident occurred—			
During daylight	61	58	74
While dark	33	35	23
At dawn or dusk	6	7	3
Time of day			
Total	100%	100%	100%
6 a.m. to noon	17	16	19
Noon to 6 p.m.	46	44	58
6 p.m. to midnight	32	34	20
Midnight to 6 a.m.	4	5	3*
Self-protective action taken			
Total	100%	100%	100%
None	52	48	73
Physical action	29	32	15
Passive/verbal	18	20	12
Reported incident to police			
Total	100%	100%	100%
Yes	50	47	60
No	50	53	40

Detail may not add to 100% because of rounding.
*Estimate is based on 10 or fewer sample cases.

Characteristics of offenders who committed violent crimes against women

In general, most female victims of violence were attacked by lone offenders. Of those victimizations involving more than one offender, a greater proportion was a robbery. Rape was the violent victimization least likely to involve more than one offender. Less than 10% of all rape victimizations involved more than one offender (table 6).

Because multiple offender victimizations represent very different experiences for female victims compared to single-offender victimizations, the remainder of this report will examine these types of victimizations separately. Unless otherwise noted, analyses which follow focus exclusively on one-on-one incidents of violence. This specification was also necessary to determine the exact relationship (intimate, acquaintance, or stranger) between the victim and the offender.

- Female victims of all types of violent crime were more likely to be victimized by male offenders than female offenders (table 7). Females, however, committed about a quarter of all assaults against females.

- Most violent offenders who victimized females were perceived by the victim to be over age 21.

- Female victims of rape and aggravated assault were significantly more likely to perceive their attackers to be under the influence of drugs or alcohol, compared to females who experienced a robbery or simple assault.

- When offenders were perceived by female victims to be under the influence of alcohol or drugs, a higher percentage of rape and assault offenders were reported to have been using alcohol

rather than other drugs. For robbers perceived to be under the influence, a higher percentage were reported to have been under the influence of drugs rather than alcohol.

Table 6. Number of offenders perceived to be involved in victimizations of females, by type of violent crime, 1987-91

Type of offender	Percent of violent victimizations				
	Total	Rape	Robbery	Aggravated assault	Simple assault
Total	100%	100%	100%	100%	100%
Single offender	76%	90%	71%	79%	85%
Multiple offenders	22%	9%	26%	18%	13%
Two	47	30	56	43	45
Three to five	38	45	36	36	41
Over five	12	16	6	19	11
Not ascertained	3	9	3	2	3
Don't know number of offenders	2%	1%	3%	3%	2%

Detail may not add to 100% because of rounding.

Table 7. Perceived sex, age, and alcohol/drug use of single-offenders who victimized females, by type of violent crime, 1987-91

Characteristic of single violent offender against women	Percent of single-offender victimizations				
	Total	Rape	Robbery	Aggravated assault	Simple assault
Sex					
Total	100%	100%	100%	100%	100%
Male	75	98	87	76	71
Female	23	1*	12	22	28
Not ascertained	2	1	1	2	1
Age					
Total	100%	100%	100%	100%	100%
Under 18	15	5	10	14	18
Under 21	11	9	14	11	10
Over 21	70	8	70	70	69
Not ascertained	4	5	6	5	3
Alcohol/drug use					
Total	100%	100%	100%	100%	100%
Yes	37	45	31	45	35
No	26	18	18	21	29
Not ascertained	37	36	50	33	35
Type of drug*					
Total	100%	100%	100%	100%	100%
Alcohol	53	65	30	53	58
Drugs	19	14	37	19	15
Both	20	15	19	20	20
Not ascertained	8	6	14	8	7

Detail may not add to 100% because of rounding.

*Estimate is based on 10 or fewer sample cases.

*Based on those cases reporting alcohol/drug use by offender.

- In general, violent crime against women was primarily intra-racial. Eight out of ten violent crimes against white women were perpetrated by white offenders (table 8). Similarly, almost 9 out of 10 violent victimizations sustained by black women were committed by black offenders.

- Robberies experienced by white females were the victimizations most often inter-racial. A white female robbery victim was as likely to have been victimized by a black offender as a white offender. Robberies experienced by black females were primarily intra-racial.

Family violence

Family violence is difficult to measure because it most often occurs in private and victims may be reluctant to report it because of shame or fear of reprisal by the offender. As do all NCVS data, estimates of family violence rely on victims willing and able to report incidents to survey interviewers. These estimates include any rape, robbery or assault that was committed by intimates, including spouses, ex-spouses, boyfriends, girlfriends, parents, children, or other relatives. For a more detailed discussion of measurement issues concerning family violence, see the *Methodology*, page 13.

- Annually, compared to males, females experienced over 10 times as many incidents of violence by an intimate (table 9). On average each year, women experienced 572,032 violent victimizations at the hands of an intimate, compared to 48,983 incidents committed against men.

- Women were just as likely to experience a violent victimization by an intimate or relative (33%) as they were to be victimized by an acquaintance (35%) or a stranger (31%). Family related violence, however, accounted for only 5% of all violent victimizations against men. Men were far more likely to be victimized by an acquaintance (50% of all male victimizations) or a stranger (44% of all male victimizations) than by an intimate or family member (table 10).

Table 8. Race of female victims of a single violent offender, by the type of crime and perceived race of the offender, 1987-91

Type of crime and race of victim	Percent of single-offender violent victimizations				
	Perceived race of offender				Not known/ ascertained
	Total	White	Black	Other	
Crimes of violence					
White	100%	80%	13%	5%	2%
Black	100	4	89	6	1*
Rape					
White	100	78	15	4	3
Black	100	1*	98	0*	5*
Robbery					
White	100	40	43	12	5
Black	100	5	88	5	2
Aggravated assault					
White	100	83	8	7	1*
Black	100	12	83	5	1*
Simple assault					
White	100	87	5	6	1*
Black	100	5	89	5	1*

Detail may not add to 100% because of rounding.

*Estimate is based on 10 or fewer sample cases.

Table 9. Average annual rate and number of single-offender violent victimizations of women and men, by victim-offender relationship, 1987-91

Victim-offender relationship	Sex of victim	
	Female	Male
Average annual rate per 1,000		
Intimates	5.4	.5
Other relative	1.1	.7
Acquaintance	7.6	13.0
Stranger	5.4	12.2
Average annual number of victimizations		
Intimates	572,032	48,983
Other relative	117,201	75,587
Acquaintance	796,067	1,268,506
Stranger	571,114	1,182,307

Table 10. Percent distribution of single-offender violent victimizations, by victim-offender relationship for women and men, 1987-91

Victim-offender relationship	Percent of single-offender violent victimizations*	
	Female	Male
Total	100 %	100 %
Relative/Intimate	33 %	5 %
Spouse	9.6	.5
Ex-spouse	4.0	.4
Boyfriend/girlfriend	14.0	1.0
Parent	.8	.6
Child	1.3	.3
Brother/sister	1.6	.9
Other relative	2.0	1.2
Acquaintance	35 %	50 %
Stranger	31 %	44 %
Unknown relationship	1 %	1 %

Note: Detail may not add to 100% because of rounding.

*The percentages are based on the total number of victimizations for the 5-year period, rather than on the annual average.

• Women with lower education and family income levels were more likely to be victimized by intimates than women who had graduated from college and who had higher family incomes (table 11).

Women with family incomes less than \$9,999 were more than 5 times as likely to experience a violent victimization by an intimate and more than twice as likely

to be victimized by an acquaintance than those with family incomes over \$30,000.

• Living in suburban or rural areas did not decrease a woman's risk of experiencing an act of violence by an intimate. Women living in central cities, suburban areas and rural locations experienced similar rates of violence committed by intimates.

• Violence by strangers was more likely to occur in central cities than in the suburbs or rural areas. Females living in central cities were 4 times more likely to be victimized by a stranger than rural females and almost 2 times more likely than suburban females.

• Robbery was the only crime in which women were more likely to be victimized by strangers rather than intimates, family members, or acquaintances. Female victims of simple assault were more likely to be victimized by an intimate or an acquaintance rather than a stranger or a relative who was not an intimate (table 12).

Characteristics of family, acquaintance, and stranger perpetrated violence

• Women who were victimized by strangers were more likely to face an armed offender (33%) compared to offenders who were intimates (18%), other relatives (22%), or acquaintances (21%) (table 13).

• When weapons were present during a violent victimization, strangers, compared to other types of offenders, were more likely to be armed with guns. Intimates and other relatives were more likely to be armed with knives or other sharp instruments.

• Women suffering violent victimizations were almost twice as likely to be injured if the offender was an intimate (59%) compared to offenders who were strangers (27%). Women were also more likely to receive injuries requiring medical care if the attacker was an intimate (27%) compared to a stranger (14%) (table 14). For rape victims, however, the outcome was different: Women who were raped by a stranger were injured more often than women raped by someone whom they knew (table 24). (For further discussion of victims of rape, see page 10.)

Table 11. Average annual rate of single-offender violent victimizations per 1,000 females, by victim-offender relationship and demographic characteristics, 1987-91

Characteristic	Rate of single-offender violent victimizations per 1,000 females within categories of victim-offender relationship			
	Intimate	Other relative	Acquaintance	Stranger
Total	5.4	1.1	7.6	5.4
Race				
White	5.4	1.2	7.2	5.1
Black	5.8	1.3	10.5	7.4
Other	3.6	.7*	6.2	5.3
Ethnicity				
Hispanic	5.5	1.3	6.3	7.2
Non-Hispanic	5.4	1.1	7.7	5.3
Age				
12-19	5.8	2.3	21.7	8.0
20-24	15.5	1.5	14.3	11.6
25-34	8.8	1.1	7.3	6.5
35-49	4.0	1.2	5.2	4.6
50-64	.9	.4	1.9	2.6
65 or over	.0*	.2	.7	1.1
Education				
Some high school or less	5.3	1.7	11.8	4.9
High school graduate	6.1	.7	5.3	4.2
Some college	6.4	1.2	6.8	8.0
College graduate or more	2.5	.5	6.0	6.0
Family income				
Less than \$9,999	11.4	2.0	12.7	7.7
\$10,000-\$19,999	6.7	1.4	7.9	5.8
\$20,000-\$29,999	5.9	.9	7.8	4.6
\$30,000-\$49,999	2.7	.7	5.8	4.4
\$50,000 or more	1.6	.5	4.6	4.2
Marital status				
Never married	7.1	1.7	16.6	10.0
Married	1.5	.5	3.2	3.0
Widowed	.7	.5	1.4	2.1
Divorced/separated	16.7	2.6	12.6	8.8
Location of residence				
Central city	6.5	10.1	9.5	8.8
Suburban	4.6	1.0	6.4	4.6
Rural	5.6	1.4	7.2	2.3

*Estimates is based on 10 or fewer sample cases.

• Although the percentage of female victims of violence who reported their victimization to police did not vary by victim-offender relationship, the reasons given by victims for not reporting an incident did. Female victims who knew their assailants most often did not report

because they believed the incident was a private or personal matter. The most important reason for not reporting given by females victimized by strangers was that they felt the incident was minor and may not be classified as a crime (table 15).

• Almost 6 times as many women victimized by intimates (18%) as those victimized by strangers (3%) did not report their violent victimization to police because they feared reprisal from the offender.

• The most common reason given for reporting a victimization to police, regardless of the relationship the victim had to the offender, was to punish the offender.

• Police responded to over three-quarters of all reports by females victimized by intimates, acquaintances, strangers or other relatives by coming to the crime scene (table 16).

• Police were more likely to respond within 5 minutes, if the offender was a stranger than if an offender was known to the female victim (table 17).

• Police took a report in over two-thirds of all incidents of violence reported, regardless of the relationship between the victim and offender. However, the police were more likely to take a formal report if the offender was a stranger (77%) rather than an intimate (69%), other relative (67%), or acquaintance (70%) (table 18).

• The police questioned witnesses in about the same proportion of violent victimizations of females, regardless of the victim-offender relationship. Searching the scene for evidence occurred more often when a stranger, rather than other types of offenders, had committed the crime.

Table 12. Average annual rate of single-offender violent victimizations per 1,000 females, by type of crime and victim-offender relationship, 1987-91

Type of crime	Rate of single-offender violent victimizations per 1,000 females within categories of victim-offender relationship				
	Total	Intimate	Other relative	Acquaintance	Stranger
Rape	1.3	.2	.0*	.5	.3
Robbery	4.0	.6	.1	.5	1.5
Aggravated assault	5.1	1.1	.2	1.4	1.1
Simple assault	14.3	3.6	.7	5.1	2.4

*Estimates is based on 10 or fewer sample cases.

Table 13. Percent of single-offender violent crime victimizations where weapon was present, by victim-offender relationship, 1987-91

Type of weapon	Percent of female victims of violence				
	Total	Intimate	Other relative	Acquaintance	Stranger
Weapon present	27%	18%	22%	21%	33%
Type of weapon used					
Total	100%	100%	100%	100%	100%
Guns	30	34	19	23	38
Knives or sharp instruments	34	40	41	36	35
Blunt objects	18	12	16	20	14
Other weapons	18	15	24	22	13

Table 14. Percent of single-offender violent crime victimizations resulting in injuries, medical care, and hospital care for female victims, by victim-offender relationship, 1987-91

	Percent of female victims of violence				
	Total	Intimate	Other relative	Acquaintance	Stranger
Injury	34%	59%	48%	31%	27%
Serious	3	3	3	3	2
Minor	31	56	45	28	25
Received medical care	19	27	20	14	14
Received hospital care	9	15	10	8	8

Note: Serious injuries include gunshot or knife wounds, broken bones, loss of teeth, internal injuries, loss of consciousness, and undetermined injuries requiring 2 or more days of hospitalization. Minor injuries include bruises, black eyes, cuts,

scratches, swelling, and undetermined injuries requiring less than 2 days of hospitalization. Medical care refers to any care or treatment given for injuries by a medical provider, a nonmedical person, or by the victim herself.

Table 15. Percent of female victims reporting single-offender violent crime to police and the most important reason for reporting or not reporting, by victim-offender relationship, 1987-91

Whether reported and reasons why or why not	Percent of female victims of violence				
	Victim-offender relationship				
	Total	Intimate	Other relative	Acquaintance	Stranger
Reported to police	52%	56%	58%	45%	55%
Most important reason for not reporting					
Total	100%	100%	100%	100%	100%
Private or personal matter	39	33	43	48	20
It was a minor incident	20	6	8	17	28
Police couldn't do anything	3	1*	0	1	12
Police wouldn't do anything	10	13	3	7	11
Didn't want to get offender in trouble	5	9	15	3	1*
Afraid of reprisal from offender	7	18	11	6	3
Other	16	20	20	18	25
Most important reason for reporting					
Total	100%	100%	100%	100%	100%
To stop or prevent this from happening to me or others	22	28	28	20	15
To recover loss-insurance	4	2	1*	3	8
To punish offender	46	50	40	46	43
It was my duty	4	2	0	3	7

Detail may not add to 100% because of rounding.

*Estimate is based on 10 or fewer sample cases.

Table 16. Percent distribution of single-offender violent victimizations where police were called by female victim, by police response and victim-offender relationship, 1987-91

Police response	Percent of female victims of violence who had reported to police				
	Victim-offender relationship				
	Total	Intimate	Other relative	Acquaintance	Stranger
Total	100%	100%	100%	100%	100%
Police came	77%	76%	78%	76%	79%
Police did not come	13	14	14	17	13
Respondent went to police	9	7	7	6	7

Detail may not add to 100% because of rounding and because some respondents who called police did not respond to the question.

Table 17. Percent distribution of single-offender violent victimizations where police came to female victim, by police response time and victim-offender relationship, 1987-91

Police response	Percent of female victims of violence indicating that the police visited the scene of the crime				
	Victim-offender relationship				
	Total	Intimate	Other relative	Acquaintance	Stranger
Total	100%	100%	100%	100%	100%
Within 5 minutes	28%	25%	24%	24%	36%
Within 10 minutes	28	28	33	28	28
Within 1 hour	35	37	35	38	28
Within 1 day	4	4	6	6	4
Longer or don't know	5	5	2	4	4

*Detail may not add to 100% because of rounding and because some respondents who called police did not respond to the question.

Table 18. Percent distribution of single-offender violent victimizations against females where police came to crime scene, by police action and victim-offender relationship, 1987-91

Type of response	Percent of female victims of violence				
	Victim-offender relationship				
	Total	Intimate	Other relative	Acquaintance	Stranger
Took report	72%	69%	67%	70%	77%
Took evidence for case	5	2	2	3	9
Promised police surveillance	5	4	4	5	5
Searched	15	7	8	10	29

Note: Because this is a multiple response question, totals do not sum to 100%.

Table 19. Self-protective behavior used by female victims of single-offender violent victimizations and outcomes, by victim-offender relationship, 1987-91

Self-protection and outcome	Percent of female victims of violence				
	Victim-offender relationship				
	Total	Intimate	Other relative	Acquaintance	Stranger
Self-protective behavior					
Total	100%	100%	100%	100%	100%
None taken	24	20	17	27	26
Physical action	30	40	38	27	20
Passive/verbal	45	40	44	45	52
Self-protective actions helped situation					
Total	100%	100%	100%	100%	100%
Yes	61	53	53	65	70
No	23	30	30	20	15
Not ascertained	16	17	17	15	15
Self-protective actions made situation worse					
Total	100%	100%	100%	100%	100%
Yes	17	23	24	16	11
No	67	58	62	69	75
Not ascertained	16	19	14	15	14

Detail may not add to 100% because of rounding.

- Although a similar proportion of females victimized by either known or unknown offenders used self-protective behavior, the type of self-protection varied by the victim/offender relationship. Women victimized by an intimate or another family member were almost 2 times more likely to use physical self-protection such as fighting back, compared to women victimized by a stranger.

Women were most likely to argue, reason, or cooperate when offenders were strangers (table 19).

- In a comparison of females who attempted to protect themselves from violence — by intimates or other relatives and by strangers — a larger percentage of the victims of intimates and other relatives reported that their actions hurt the situation.

Rape victimization

Rape, as defined by the NCVS for the time period studied in this report was self-classified by all respondents. Each respondent was asked if she had been attacked during the previous 6 months; if she reported that she had been raped, the incident was classified as a completed rape. If the victim reported that the offender(s) had tried to rape her, the incident was classified as an attempted rape. The NCVS is currently using a new survey instrument which more directly queries respondents about sexual assaults. Data from this new questionnaire will be available in the fall of 1994. For a more detailed discussion of this issue, see *Methodology*, page 13.

- Data from 1987 to 1991 indicated that every year nearly 133,000 women age 12 or older were victims of rape or attempted rape (table 1). More of these rapes were committed by someone known to the victim (55%) than by a stranger (44%) (table 20).

- Rapes committed by nonstrangers were more likely to occur at or near the victim's home (52%), while rapes by strangers were more likely to occur in an

open area or another public place (43%). About a fourth of the rapes by strangers took place at or near the victim's home.

- Rapes were more likely to take place after dark between the hours of 6 p.m. to midnight regardless of the victim/offender relationship (table 20).

- Nonstranger rapists were almost 70% more likely to have been under the influence of drugs or alcohol at the time of the victimization compared to rapists who were strangers (table 21).

- There was no difference in the extent to which female victims of stranger or nonstranger perpetrated rape reported their victimization to police. Just over half of all rape victimizations were reported (table 22).

- Most females reported their victimization because they wanted to punish the offender regardless of the relationship they had with them. More females raped by men whom they knew, compared to females raped by strangers, did not report the victimization to police because they believed it to be a private or personal matter.

Table 20. Place and time of single-offender rape incidents, by victim-offender relationship, 1987-91

Place and time of rape	Percent of rape victimizations		
	Victim-offender relationship		
	Total	Non-stranger	Stranger
Percent of rape cases	100%	55%	44%
Place of occurrence			
Total	100%	100%	100%
At or near own home	43	52	25
At or near friend's home	16	21	8
Commercial establishment or school	6	9	4
Public parking area or garage	5	4	8
Open area or public area	18	5	43
Not ascertained	12	9	12
Whether incident took place in daylight or dark			
Total	100%	100%	100%
Incident occurred—			
During daylight	32	31	33
While dark	62	64	59
At dawn or dusk	6	4	8
Time of day			
Total	100%	100%	100%
6 a.m.-noon	16	15	18
Noon-6 p.m.	16	18	14
6 p.m.-midnight	37	38	32
Midnight-6 a.m.	31	25	34

Table 21. Percent of single-offender rape committed under the influence of drugs or alcohol, by victim-offender relationship, 1987-91

Alcohol or drug use	Percent of female victims of rape		
	Victim-offender relationship		
	Total	Non-stranger	Stranger
Offender's alcohol/drug use			
Total	100%	100%	100%
Yes	45	51	35
No	19	24	7
Not ascertained	36	25	58
Type of drug*			
Total	100%	100%	100%
Alcohol	66	68	61
Drugs	14	10	25
Both	15	16	11
Not ascertained	5	6	3

*Based on those cases reporting alcohol/drug use by offender.

Table 22. Percent of females reporting single-offender rape victimizations to police, by the most important reasons for reporting or not reporting, by victim-offender relationship, 1987-91

	Percent of female victims of rape		
	Victim-offender relationship		
	Total	Nonstranger	Stranger
Reported to police	53%	53%	55%
Most important reason for reporting			
Total	100%	100%	100%
To stop or prevent this from happening to me or someone else again	15	17	11
To punish offender	56	52	65
Other reason or not ascertained	29	31	24
Most important reason for not reporting			
Total	100%	100%	100%
Private or personal matter	28	35	13
Police couldn't do anything	4	1*	11
Police wouldn't do anything	11	11	11
Afraid of reprisal from offender	17	18	15
Other reason or not ascertained	40	35	50

*Estimate is based on 10 or fewer cases.

- Rape victims were more likely to report their victimization to police if the offender used a weapon, if she sustained an additional injury as the result of her victimization, and if she required medical care (table 23).

Table 23. Percent distribution of police reporting behavior by female rape victims, by characteristics of rape incident, 1987-91

Characteristic	Percent of female victims who reported to police
Total reporting rape	53%
Whether crime was completed	
Completed	61%
Attempted	48
Weapon	
Weapon present	64%
No weapon present	50
Victim-offender relationship	
Intimate	50%
Acquaintance	50
Stranger	56
Physical injury status	
Additional injuries sustained	65%
No additional injuries sustained	52
Medical care received	
Received medical care	75%
No medical care received	41
Number of offenders	
Single offenders	53%
Multiple offenders	62
Place of occurrence	
At or near home including private garage	53%
At or near friend's home	54
Commercial establishment or school	29*
Public parking area/garage	36
Open area or public area	51

*Estimate is based on 10 or fewer cases.

- A higher proportion of rapists who were strangers (29%) than those whom the victim knew (17%) were armed with a weapon. Of those armed, strangers were just as likely to use handguns (42%) as knives (44%), while rapists known to the victim were more likely to use knives or other sharp instruments (51%) in the attack (table 24).

- A larger percentage of victims of rape by strangers (60%) than other rape victims (43%) were injured (table 24). As reported earlier, this relationship was reversed for crimes of violence in general in which females were more likely to sustain an injury if the offender was known (table 14).

Table 24. Percent distribution of offender weapon use, rape victim self-protective behaviors, injury levels sustained, and medical care received for single-offender rape victimizations, by victim-offender relationship, 1987-91

	Percent of female victims of rape		
	Total	Victim-offender relationship Nonstranger	Stranger
Offender had weapon	21%	17%	29%
Type of weapon present			
Handgun	35%	29%	42%
Knives or sharp instruments	48	51	44
Other weapon	17	20	15
Self-protective action taken			
Took some action	85%	85%	85%
Active/physical	51	55	43
Passive/verbal	34	30	42
Self-protective action helped			
Yes	61%	58%	68%
No	26	29	22
Don't know	13	13	10
Self-protective action made situation worse			
Yes	17%	16%	20%
No	68	68	70
Don't know	17	16	10
Victim sustained injury other than rape injuries	47%	43%	60%
Medical care			
Received medical care	60%	57%	62%
Received hospital care	30	29	30

Note: See note on table 14 for list of possible injuries. Medical care refers to any care or

treatment given for injuries by a medical provider, a nonmedical person, or by the victim herself.

Methodology

The tables in this report include National Crime Victimization Survey (NCVS) data from 1987 to 1991. The NCVS obtains information about crimes, including incidents not reported to the police, from a continuous, nationally representative sample of households in the United States. This includes persons living in group quarters, such as dormitories, rooming houses, and religious group dwellings. Groups not included were crew members of merchant vessels, Armed Forces personnel living in military barracks, and institutionalized persons, such as correctional facility inmates. Similarly, U.S. citizens residing abroad and foreign visitors to this country were excluded. With these exceptions, individuals age 12 or older living in units designated for the sample were eligible to be interviewed. References in this report to "women" or "females" therefore include adolescents but not children under age 12.

The NCVS measures crimes of violence (rape, robbery, aggravated assault, and simple assault), crimes of theft (personal larceny with and without contact), and household crimes (burglary, household larceny, and motor vehicle theft). The survey does not include murder, kidnaping, commercial crimes, and incidents that the victim may not recognize as crimes, such as fraud or con games.

Calculation of NCVS rates

The rates in this report were annual average rates for 1987-91. The numerator of a given rate was the sum of the crimes that occurred each year from 1987 through 1991 for each respective demographic group; the denominator was the sum of the annual population totals for these same years and demographic groups.

Application of standard errors

The results represented in this report were tested to determine whether the observed differences between groups were statistically significant. Most comparisons passed a hypothesis test at the .05 level of statistical significance (or the 95 percent confidence level) meaning that the estimated difference between comparisons was greater than twice the standard error of that difference. However, some comparisons were significant at the 90 percent confidence level only. These comparisons were qualified by phrases such as "somewhat" or "some evidence of a difference." Comparisons which failed the 90% hypothesis test were not considered statistically significant and, therefore, were not discussed in this report.

Even though the data in this report were collected over several years, some estimates were based on a relatively small number of sample cases, particularly for certain demographic groups. The data tables note when estimates were based on 10 or fewer sample cases. Because standard errors cannot be accurately computed for such estimates, it is inadvisable to compare them to other estimates. Further, caution should be used when comparing estimates not discussed in the text, since seemingly large differences may not be statistically significant at the 95 percent or even the 90 percent confidence level.

Family violence

For the time period covered in this report (1987-91), the NCVS did not directly ask respondents about attacks which were perpetrated by intimates or other family members. If, however, a respondent revealed that they had been attacked or otherwise victimized by someone known to them such as a husband or boyfriend, the incident was recorded as such.

The relationship of the victim to the offender would then have been categorized within the following categories: known by sight only, a casual acquaintance, spouse at time of incident, ex-spouse at time of incident, parent or step-parent, own child or step-child, brother/sister, other relative, boy/girlfriend or ex-boy/girlfriend, friend or ex-friend, roommate or boarder, school-mate, neighbor, someone at work, or other nonrelative.

The NCVS has changed its methodology regarding issues of family violence. The NCVS now more directly asks respondents about violence of this nature. Included in the current screener instrument, after the general questions concerning acts of violence or theft, is an item that states the following:

- People often don't think of incidents committed by someone they know. (Other than any incidents already mentioned,) did you have something stolen from you OR were you attacked or threatened by (a) someone at work or school, (b) a neighbor or friend, (c) a relative or family member, (d) any other person you've met or known?

Respondents are further guided: *Please mention it even if you were not certain it was a crime.* If the respondent replies yes, an incident report is completed and coded appropriately.

The redesigned questionnaire was implemented into 100% of the sample in June 1993, and estimates and data from this will be available in the fall of 1994.

Rape

For the period covered in this report (1987-91), rape was self-defined by respondents. That is, in response to a series of questions related to being attacked, threatened, or harmed, estimates in this report were based on those women who voluntarily reported that they had been raped. When a woman indicated that she had been the victim of a completed or attempted rape, she was not asked to explain what happened further. Her personal classification of the incident as a completed or attempted rape was accepted and recorded.¹ In addition, if the respondent was reluctant to provide information describing the event, interviewers were instructed to read response categories which included "raped," "tried to rape," "verbal threat of rape," as appropriate. Response categories for "raped" and "attempted rape" were also included when respondents were asked about any injuries suffered during the victimization. Thus, even though the NCVS did not directly ask respondents whether they had been victims of attempted or completed rape, there were several opportunities for respondents to classify an attack as rape during the course of completing the incident form.

The redesigned NCVS now queries respondents much more directly about their experiences with unwanted sexual contact. To ascertain information on rape in the redesigned survey, respondents are asked the question:

- Incidents involving forced or unwanted sexual acts are often difficult to talk about. (Other than any incidents already mentioned), have you been forced or coerced to engage in unwanted sexual activity by (a) Someone you didn't know before, (b) A casual acquaintance, or (c) Someone you know well?

If a respondent's reply is affirmative, an incident report is completed. At this time, the interviewer is directed to clarify what type of sexual activity occurred by asking the respondent the following question: "*Do you mean forced or coerced sexual intercourse?*" Again, if the answer is affirmative, the incident is coded as a rape. If there is some confusion by what "sexual intercourse" implies, interviewers are provided with a very specific operational definition of rape adopted by the NCVS. This definition can be used for reference or can be read to respondents at any time during the interview and states:

Rape is forced sexual intercourse and includes both psychological coercion as well as physical force. Forced sexual intercourse means vaginal, anal, oral penetration by the offender(s). This category also includes incidents where the penetration is from a foreign object such as a bottle.

Definition of location

To define operationally the location categories, this report utilizes the Office of Management and Budget's (OMB) concept of Metropolitan Statistical Areas (MSA's) and classifies units of analysis into three segments based upon their relationship to a MSA: central city, outside central city, and nonmetropolitan area. Specifically, these classification categories, defined by OMB as central city, outside central city, and nonmetropolitan, are labeled in this report as central city, suburban, and rural respectively. A more detailed description of these areas follows:

Central City: The largest city, or grouping of cities in a Metropolitan Statistical Area. In this report, city areas are categorized as those portions of metropolitan areas located in "central cities."

Suburban: A county or group of counties containing a central city, plus any contiguous counties that are linked socially and economically to the central city. In this report, suburban areas are categorized as those portions of metropolitan areas situated "outside central cities."

Rural: A county or group of counties not located inside a metropolitan statistical area. This category includes a variety of localities, including smaller cities with populations less than 50,000; however, it is primarily comprised of sparsely populated areas.

¹ *The Crime of Rape*, Bureau of Justice Statistics (NCJ- 96777), Special Report, 1985; *Female Victims of Violent Crime*, Bureau of Justice Statistics (NCJ- 126826), report, 1991.

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Violence against Women

A National Crime Victimization Survey Report



Bureau of Justice Statistics Selected Findings

November 1994, NCJ-149259

Domestic violence

Violence between Intimates

What is violence between intimates?

Violence between intimates includes those murders, rapes, robberies, or assaults committed by spouses, ex-spouses, boyfriends, or girlfriends. In this report, intimates are distinguished from —

- *other relatives* (parent, child, sibling, grandparent, in-law, cousin)
- *acquaintances* (friend, someone known)
- *strangers*.

Violence between intimates is difficult to measure; it often occurs in private, and victims are often reluctant to report incidents to anyone because of shame or fear of reprisal.

How many people are victims of nonfatal violence committed by intimates?

According to an analysis of the National Crime Victimization Survey (NCVS) from 1987-91, intimates commit an annual average of 621,015 rapes, robberies or assaults representing over 13% of all of these violent victimizations.

In the NCVS in 1992, 51% of the victims of intimate violence were attacked by boyfriends or girlfriends, 34% were

This report summarizes the following Department of Justice statistics about violence between intimates:

- The National Crime Victimization Survey (NCVS) produces estimates of violence that victims perceive to be crimes and are willing and able to report to survey interviewers. Violent crimes included in the NCVS are rape, robbery, and assault. (Murder is not measured because of the inability to question the victims.)
- Data about murder are from two sources: the FBI's Supplemental Homicide Report from the Uniform Crime Reports (UCR) program and a Bureau of Justice Statistics (BJS) study of 1988 murder cases from

prosecutors' files in large urban counties.

- Information on police policies and units for domestic violence is from the Law Enforcement Management and Administrative Statistics survey (LEMAS).
- Information about confined violent offenders was collected in the 1989 Survey of Inmates in Local Jails and the 1991 Survey of Inmates in State Correctional Facilities.

Sources of the information in this report are listed on page 9. Additional detail and methodological explanations about each of these datasets are contained in the publications listed.

attacked by spouses, and 15% were attacked by ex-spouses. In 1992, 54% of the general population age 12 and over were married, 30% were never married, 10% were divorced, and 7% were widowed.

Most violence between intimates is assault: the intentional inflicting of injury on another person. In 1992, 81% of the violent victimizations committed by spouses and ex-spouses were assaults. The remainder were rapes and robberies, which also may have involved assault.

How many murders are committed by intimates?

According to the FBI's *Crime in the U.S.*, 22,540 murders were committed nationwide in 1992. The relationship between the victims and the offender was known in 61% of these murders and unknown in 39%. About 15% of the murders where the relationship between the victim and the assailant was known involved a victim described in police records as an intimate (spouse, ex-spouse, boyfriend, girlfriend) of the killer. (See methodological note on page 9 for further information about these data.)

Of those murders where the relationship between the victim and the killer was known, about 10% involved the killing of a spouse or ex-spouse and nearly 6% involved the killing of a boyfriend or girlfriend.

Females are more likely than males to be victims of violence by intimates

Annually, compared to males, females experienced over 10 times as many incidents of violence by an intimate. On average each year, women experienced over 572,000 violent victimizations committed by an intimate, compared to approximately 49,000 incidents committed against men.

Average annual number of single-offender violent victimizations, 1987-91

Victim-offender relationship	Sex of victim	
	Female	Male
Intimate	572,032	48,983
Other relative	117,201	75,587
Acquaintance	796,067	1,268,506
Stranger	571,114	1,182,307

Source: BJS, *Violence Against Women: A National Crime Victimization Survey Report*, 1994

Women are much less likely than men to become victims of violent crime in general, but they are more likely than men to be victimized by intimates, such as husbands or boyfriends. Men are more likely than women to be victims of violence perpetrated by acquaintances or strangers.

Average annual rate per 1,000 population of single-offender violent victimizations, 1987-91

Victim-offender relationship	Sex of victim	
	Female	Male
Intimate	5.0	.5
Other relative	1.0	.7
Acquaintance	8.0	13.0
Stranger	5.0	12.0

Source: BJS, *Violence Against Women: A National Crime Victimization Survey Report*, 1994

What are the characteristics of women violently victimized by intimates?

Race

White and black women had equivalent rates of violence committed by intimates and other relatives (about 5 per 1,000 persons).

Ethnicity

Hispanic and non-Hispanic females had about the same rate of violence attributable to intimates, 6 per 1,000 persons.

Age

Women age 20 to 34 had the highest rates of violent victimization attributable to intimates (16 per 1,000 persons) of any age group.

Education

Women who graduated from college had the lowest rates of violence attributable to intimates (3 per 1,000 persons) compared to women with less than a high school education (5 per 1,000), high school graduates,

(6 per 1,000) or women with some college (6 per 1,000)

Income

Women with family incomes under \$9,999 had the highest rates of violence attributable to an intimate (11 per 1,000 persons) and those with family incomes over \$30,000 had the lowest rates (2 per 1,000).

Marital status

Divorced or separated women had higher rates of violence by intimates (16 per 1,000 persons) than women who never married (7 per 1,000) or married women (1.5 per 1,000).

Location of residence

Women living in central cities, suburban areas and rural locations experienced similar rates of violence committed by intimates.

Source: BJS, *Violence Against Women: A National Crime Victimization Survey Report*, 1994

Women were more likely to be raped or assaulted by an acquaintance than by an intimate, another relative, or a stranger. Robbery was the only non-fatal crime in which women were more likely to be victimized by strangers rather than intimates, other family members, or acquaintances.

In over 90% of the violence by intimates recorded in the NCVS from 1987-91, the victim was female.

Victim-offender relationship	Percent of all victims who were female
Intimate	
Spouse	93%
Boyfriend/girlfriend	91
Ex-spouse	89
Other relatives	
Child	78
Brother/sister	59
Other relative	57
Parent	52
Unspecified	28
Other known offender	38
Stranger	32

Source: *Highlights from 20 Years of Surveying Crime Victims: The National Crime Victimization Survey, 1973-92*, 1993

An estimated 1,432 females were killed by intimates in 1992 according to the FBI's *Crime in the U.S.* Female victims represented 70% of the intimate murder victims. About a third of all female murder victims over age 14 were killed by an intimate compared to 4% of male murder victims. The wives-to-husbands ratio for spousal murder differs for blacks and whites: 59% of black victims of spousal murder were wives while 74% of white victims were wives.

How many female victims of intimate violence experienced repeated victimizations?

About 1 in 5 females victimized by their spouse or ex-spouse reported to the NCVS that they had been a victim of a series of 3 or more assaults in the last 6 months that were so similar that they could not distinguish one from another. For assaults in general in 1992, fewer than 1 in 10 victimizations involved this type of victimization.

What are the trends in violence between intimates?

During the past five years, rates of intimate rapes, robberies and assaults for both male and female victims have been constant

According to the NCVS between 1987 and 1992, the rate of violent victimizations committed by intimates varied little from the average annual rate of 5 per 1,000 for females and 0.5 per 1,000 for males. The proportion of all violence committed by intimates was also consistent during the period: about 27% of all violence against females and about 2% of all violence against males.

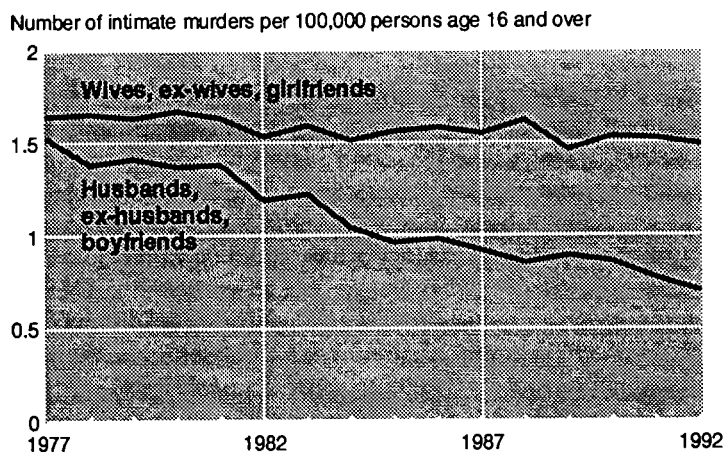
	Number of single-offender victimizations by intimates	Rate per 1,000 population	Percent of all victimizations committed by intimates
Male victims			
1987	31,685	0.3	1.6%
1988	55,877	0.6	2.1
1989	52,816	0.5	2.0
1990	26,737	0.2	1.1
1991	62,004	0.6	2.2
1992	49,038	0.5	2.2
Female victims			
1987	405,640	4.0	27.0%
1988	585,261	5.5	26.6
1989	586,137	5.6	28.1
1990	531,179	5.0	26.9
1991	585,385	5.5	27.4
1992	593,546	5.5	27.4

Note: The numbers from NCVS presented here do not show a statistically significant trend.

Improvements to the NCVS will better measure intimate violence

In the mid-1970's the National Academy of Sciences evaluated the NCVS for accuracy and usefulness. While the survey was found to be an effective instrument for measuring crime, reviewers identified aspects of the methodology and scope of the NCVS that could be improved. Many of the recommendations resulted in improvements to the measurement of domestic violence.

The murder rates for both male and female intimates have declined; the rate for males dropped the most, falling in half from 1977 to 1992



Source: FBI, *Crime in the U.S.*, 1977-92 and U.S. Population Estimates from the U.S. Bureau of the Census. See page 9 of this report for the data points.

During the last 15 years —

- The ratio of male to female victims of intimate murder fell

In 1977, 54% of the murder victims who were killed by intimates were female. By 1992, the ratio of female to male victims had changed, with 70% of the victims being female.

In other words the number of male victims fell from 1,185 in 1977 to 657 in 1992 and the number of female victims increased from 1,396 to 1,510 during the same period.

- Murder rates of young black females killed by intimates declined

For black female victims of intimate murder age 18-34, the rate fell from 8.4 per 100,000 in 1977 to 6 per 100,000 in 1992.

During the same time period the rate for white females age 18-34 remained relatively constant (1.4 per 100,000).[†]

- The ratio of black husbands to black wives killed fell

In 1977, more black husbands were killed than black wives. In 1982, the same pattern prevailed, but by 1992, fewer black husbands were killed than black wives.

For whites, wives have consistently outnumbered husbands as victims of intimate murder.

[†] James Alan Fox, *Domestic Homicide in America: Trends and Patterns for 1976-92*, unpublished paper, June 23, 1994.

Within the categories of violent crime measured by the NCVS, the redesign will produce fuller reporting of those incidents that involved intimates or other family members.

The redesigned questionnaire was implemented into 100% of the sample in June 1993 and an initial release of the data was made at the end of October, 1994. Regular processing of the

NCVS data results in a release of the analysis of the detailed variables including victim-offender relationship several months after the initial release. Therefore, no data from the redesign are included in this report.

Additional information about the redesign of the NCVS and the changes in domestic violence questions is presented on page 10.

How many victims of intimate violence face an armed assailant?

For rape, robbery, and assaults recorded in the NCVS, 18% of the women victimized by intimates faced an armed offender, compared to 33% of those victimized by strangers, 22% by other relatives, or 21% by acquaintances.

Of the intimate victimizations where weapons were present, 40% involved knives or sharp instruments, 34% involved guns, 12% involved blunt objects, and 15% involved other weapons. Strangers, compared to other types of offenders, were more likely to be armed with guns.

Most murders of intimates are committed with firearms

According to the FBI's Supplemental Homicide Reports in 1992, 62% of the murder victims known to have been killed by intimates were shot to death (see table on page 10). Firearms were most frequently used to kill —

- wives and ex-wives (69%)
- husbands and ex-husbands (61%)
- girlfriends (60%).

Boyfriends were more often killed with knives (54%) than firearms (41%).

The proportion of murders involving firearms was smaller for victims killed

by intimates (62%) than for victims killed by strangers (75%) or acquaintances (69%). For all types of victims killed by firearms, most are killed by handguns. Over three-quarters of the firearms used to kill intimates were handguns. Wives and girlfriends were more likely than other types of victims to have been killed with shotguns.

Some murder victims are also armed. In a study of murder cases in large urban counties in 1988, about 15% of the victims killed by spouses were armed with a gun, knife, or other weapon.

How many victims of intimates receive a nonfatal injury?

According to the NCVS, about 3% of the women who were victimized by intimates received serious but nonfatal injuries. This proportion was similar to that for women victimized by other relatives, acquaintances, or strangers.

About 54% of the women victimized by intimates received minor injuries. Women victimized by other relatives, acquaintances, or strangers were less likely to sustain minor injuries.

If the attacker was an intimate rather than a stranger, injured women were also more likely to —

- receive medical care (27% vs. 14%)
- require hospitalization (15% vs. 8%).

For rape victims, however, the outcome was different: women who were raped by a stranger received injuries in addition to the rape itself more often than women raped by someone whom they knew.

Most women who are victims of intimate violence took some form of self-protective action

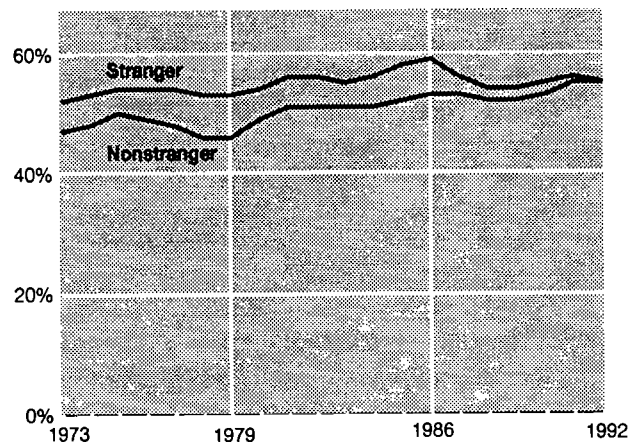
The NCVS data show that 80% of women victimized by an intimate took some form of self-protective action, including 40% who took a physical action and 40% who took a passive/verbal action. Of women victimized by intimates, the proportion who used self-protective action was about the same as that for women victimized by strangers, acquaintances, or relatives other than intimates. The proportion of women who used physical self-protection such as fighting back was higher for women victimized by an intimate than for women victimized by a stranger (40% vs. 20%).

Of women who tried to protect themselves against intimate attackers —

- over half believe their self-protective behavior helped the situation
- almost a quarter believe their actions actually made the situation worse.

Reporting to the police by females victimized by nonstrangers increased to equal the reporting by females victimized by strangers

Percent of victimizations reported to the police by female victims of violence



Source: National Crime Victimization Survey, 1973-92

For all violent victimizations —

- victims of all types report about half of their victimizations to the police
- since 1973, the percent reported to the police increased.

Female victims of violence —

- are more likely to report to the police than male victims
- are reporting an increasing proportion of both stranger and nonstranger crimes.

Female victims of violence by intimates —

- report over half of their victimizations to the police
- are about as likely to report to the police as those female victims who were attacked by other relatives or strangers.

What reasons do women victimized by intimates give for reporting or not reporting the crime to the police?

According to the NCVS, the most frequent reason female victims of intimates gave for not reporting to police was that they believed the incident was a private or personal matter. The reason for not reporting most often given by females victimized by strangers was that they felt the incident was minor and might not be considered a crime.

Almost 6 times as many women victimized by intimates (18%) as those victimized by strangers (3%) said that they did not report their violent victimization to police because they feared reprisal from the offender.

Half of the female victims attacked by intimates said that the most important reason they reported to police was to punish the offender and another quarter said that the most important reason was to stop or prevent this from happening to "me or others." The most common reasons given for reporting by women victimized by nonintimates were similar to those given by women victimized by intimates.

How do the police respond to reports of intimate victimization?

Victims reported to the NCVS that police respond to over three-quarters of all reports by females victimized by intimates, as well as by acquaintances, other relatives, or strangers by coming to the crime scene.

According to victims' perceptions, the police responded within 5 minutes in 36% of the victimizations where the offender was a stranger, in 25% where the offender was an intimate, in 24% where the offender was a relative other than an intimate, and in 24% where the offender was an acquaintance.

Police take a report in over two-thirds of all incidents of violence reported, regardless of the victim-offender relationship. However, the police are more likely to take a formal report if the

offender is a stranger (77%) rather than an intimate (69%), other relative (67%), or acquaintance (70%).

Police question witnesses in about the same proportion of violent victimizations of females, regardless of the victim-offender relationship. Searching the scene for evidence occurs more often when a stranger rather than an intimate or other known offenders committed the crime.

How do police agencies deal with domestic disputes?

According to the 1990 Law Enforcement Management and Administrative Statistics Survey (LEMAS), 93% of the large local police agencies (agencies with more than 100 officers) and 77% of the sheriffs' departments have written policies concerning domestic disturbances. In addition, 45% of the large local police agencies and 40% of the sheriffs' departments have special units to deal with domestic violence.

As of 1992, 14 States and the District of Columbia had laws mandating arrest in crimes of domestic violence.** The States with mandatory arrest laws include Arizona, Connecticut, Hawaii, Iowa, Louisiana, Maine, Missouri, Nevada, New Jersey, Oregon, Rhode Island, South Dakota, Washington, and Wisconsin.

To legally arrest a suspect, police are required to obtain an arrest warrant from a judge before arresting a suspect unless they are able to show at the time of the arrest they had probable cause to believe the suspect had committed the crime. Warrantless probable-cause arrests in cases of domestic violence are authorized in 47 States and the District of Columbia. Most State codes permitting warrantless arrests for domestic violence crimes also instruct police to inform victims of certain rights including the

** Barbara J. Hart, Esq., "State codes on domestic violence: Analysis, commentary and recommendations," *Juvenile & Family Court Journal*, National Council of Juvenile and Family Court Judges, 43:4, 1992.

availability of protection orders, shelter or emergency facilities, and transportation.

What are the characteristics of defendants accused of killing their spouse?

In a study of murder cases in large urban counties in 1988, of defendants who killed their spouse —

- almost 60% were male
- 77% were over age 30.

By comparison, of defendants in nonfamily murders —

- 93% were male
- 65% were under age 30.

Over half of the defendants who killed their spouse had a prior criminal history. However, they were less likely to have a prior criminal history than defendants who killed nonfamily members. Also, they were less likely than nonfamily murder defendants to be unemployed (25% vs. 37%) but more likely to have a history of mental illness (12% vs. 3%).

Most defendants in spousal murder cases are convicted

In the study of murder cases in 1988 in large urban counties, about 80% of the defendants in spousal murder cases were convicted or pleaded guilty.

Outcomes of murder cases where the defendant killed a spouse are similar to the outcomes of nonfamily murder cases.

Case disposition	Percent of murder defendants accused of killing —	
	Spouses	Nonfamily victims
Diverted	.6%	.7%
Rejected	6.5	8.4
Dismissed	3.5	7.5
Acquitted	6.1	7.6
Insanity acquittal	1.2	.2
Convicted at trial	37.4	33.9
Pleaded guilty	42.1	38.2
Other*	2.5	3.4

*Includes murder defendants who died or whose individual cases had not been disposed.

Source: BJS, *Murder in Families*, July 1994.

What are the characteristics of spousal murder cases in urban areas?

Time and place of the murder

Over a third of the victims of spouses were killed during the day. Comparatively, a quarter of the nonfamily murder victims were killed during the day. About 86% of victims who were killed by spouses were murdered at home, a proportion similar to other victims of murder by a family member. About a fifth of nonfamily murder victims were killed at home.

Number of victims

Most defendants who murdered their spouse killed no one else at the time. Of the defendants accused of killing a spouse, 2% killed more than one victim. The proportion of defendants accused of killing more than one victim was 13% when one of the victims was a parent, 12% when one of the victims included a child, and 5% when the victims were unrelated to the defendant.

Victim Involvement

About 23% of the murdered spouses precipitated the incident by provoking

the defendant with a deadly weapon, a nonlethal weapon, or other physical contact such as hitting with fists or pushing. Nonfamily victims were about as likely to have precipitated the incident as spouses.

Alcohol use at the time of the murder

Over half of the defendants accused of murdering their spouse had been drinking alcohol at the time of the offense. Nonfamily murder defendants were more likely to have been drinking. Also, almost half of the victims of spousal murder had been drinking alcohol at the time of the offense, about the same proportion as the nonfamily murder victims.

Time to arrest

Over 62% of the defendants accused of murdering spouses were arrested on the day of the crime. About 32% of the defendants accused of killing nonfamily members were arrested on the day of the crime.

For convicted murderers, the most serious conviction offense was —

- first-degree murder for 18% of the women who killed their husbands and 24% of the men who killed their wives
- voluntary/nonnegligent manslaughter for 54% of the women who killed their husband and 37% of the men who killed their wives.

Most convicted murderers are sentenced to a prison term, regardless of their relationship to the victim

The study of murder cases in large urban counties in 1988 found some sentencing differences between murderers convicted of killing their spouses and other murderers:

- Of the men convicted of killing their wives, 94% were sentenced to prison, including 15% who were sentenced to life terms. Women who killed their husbands were less likely to receive a prison sentence: 81% were sentenced to prison, including 8% who received a life term.
- Spousal murderers were more likely than nonfamily murderers to be sentenced to probation rather than incarceration (9% vs. 3%). Of the women convicted of killing their husbands, 16% were sentenced to probation compared to 5% of the men who killed their wives.

Of those convicted of spouse murders, men receive longer prison sentences than women

In large urban counties, the average prison sentence length on a murder or nonnegligent manslaughter conviction (excluding life sentences or the death penalty) was —

- 17.5 years for men convicted of killing their wives
- 6.2 years for women convicted of killing their husbands.

There are differences in outcomes of cases where a woman is accused of killing her husband and those where a man is accused of killing his wife

In spousal murder cases in large urban counties in 1988, women defendants were more likely than men defendants to have their cases —

- diverted, rejected or dismissed (12% vs. 9%)
- result in an acquittal (13% vs. 1%).

Of those accused of killing their spouses —

- 41% of the men and 31% of the women were convicted at trial
- 46% of the men and 38% of the women pleaded guilty.

Persons convicted of killing their spouses were about as likely as other murderers to be convicted on the most serious arrest charge

Of those convicted in large urban counties in 1988, spousal murderers were less likely than nonfamily murderers to be convicted of first-degree murder or other types of murder (47% vs. 58%) and more likely to be convicted of voluntary/nonnegligent manslaughter (43% vs. 29%)

Source: BJS, *Murder in Families*, Special Report, NCJ-143498, July 1994.

Of the 328,000 State prisoners incarcerated for a violent offense in 1991, 7% had victimized an intimate

Prisoner relationship to the victim	Percent of State prisoners incarcerated for —								
	Total violence	Murder	Man-slaughter	Kidnaping	Rape	Other sexual	Robbery	Assault	Other violent
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Intimates	7	11	12	14	10	6	1	12	1
Spouse or ex-spouse	3	6	4	5	2	1	0	5	0
Boy/girl friend	4	5	8	9	8	4	1	7	1
Other relative	10	6	7	3	23	36	1	6	49
Known	27	33	35	23	36	41	11	29	30
Stranger	56	50	47	59	31	17	87	53	20

◆ Like the prison population, 7% of jail inmates serving sentences in 1989 for violent offenses had victimized intimates.

◆ Most violent State prisoners were incarcerated for crimes against strangers.

◆ 87% of the State prisoners incarcerated for robbery victimized a stranger.

Source: BJS Survey of Inmates in State Correctional Facilities, 1991.

Almost two-thirds of the violent State prisoners who victimized intimates were convicted of murder or assault

Prisoner relationship to the victim	Percent of State prisoners incarcerated for a violent offense								
	Total	Murder	Man-slaughter	Kidnaping	Rape	Other sexual	Robbery	Assault	Other violent
Total	100%	23%	4%	3%	8%	13%	31%	17%	1%
Intimates	100%	35%	6%	5%	11%	10%	3%	30%	0%
Spouse or ex-spouse	100	48	5	5	6	5	0	31	0
Boy/girl friend	100	27	7	5	14	13	5	29	0
Other relative	100%	14%	3%	1%	18%	48%	2%	10%	5%
Known	100%	29%	5%	2%	10%	20%	13%	19%	1%
Stranger	100%	21%	3%	3%	4%	4%	48%	16%	0%

◆ Of violent State prisoners who victimized intimates, 35% were convicted of murder and 30% were convicted of assault.

◆ 48% of the violent State prisoners who victimized their spouses were convicted of murder.

◆ Over a quarter of the State prisoners who victimized a boy-friend or girlfriend were convicted of rape or other sexual assault.

Source: BJS Survey of Inmates in State Correctional Facilities, 1991.

What are the characteristics of violent prisoners who victimized intimates?

Prisoner characteristics	Percent of violent State prisoners who victimized:	
	Intimates	Nonintimates
Sex		
Male	90%	97%
Female	10	3
Age		
24 and under	10%	20%
25-34 years	41	45
35-44 years	30	23
45-54 years	11	8
55 or older	9	4
Race and ethnicity		
White	47%	37%
Black	40	47
Hispanic	10	14
Other	3	3

Source: BJS Survey of Inmates in State Correctional Facilities, 1991.

The background characteristics of prisoners who victimized intimates were similar to those of prisoners convicted of similar crimes who victimized nonintimates

In 1991, of violent State prisoners who victimized intimates —

- about half grew up living with both parents
- 12% had lived in a foster home at some time
- 22% reported some physical or sexual abuse
- 31% had parents who abused drugs or alcohol
- 35% had a family member who served time in prison or jail.

Female prisoners are more likely than male prisoners to have harmed an intimate

In 1991, of the State prisoners incarcerated for violent crimes excluding robbery, over a quarter of the female prisoners and a tenth of the male prisoners harmed an intimate. About a third of the female prisoners incarcerated for homicide killed their husband, ex-husband, or boyfriend.

Conviction offense	Percent of violent prisoners who victimized intimates	
	Male prisoners	Female prisoners
Total*	7%	20%
Homicide	9	32
Robbery	1	1
Sexual assault	7	3
Assault	12	20
Kidnaping	14	11

Source: BJS Survey of Inmates in State Correctional Facilities, 1991.

What are the differences in offense type between male and female prisoners incarcerated for harming an intimate?

Inmates' relationship to the victim	Number of prisoners	Prisoners who were incarcerated for violent offenses								
		Percent of prisoners								
		Total	Murder	Manslaughter	Kidnaping	Rape	Other sexual	Robbery	Assault	Other violent
Male prisoners who had:										
Intimate victims	20,170	100%	32%	5%	6%	12%	11%	3%	31%	0%
Wives and ex-wives	7,431	100	44	4	5	7	6	0	34	0
Girlfriends	12,739	100	25	6	6	16	14	5	29	0
All other victims	279,677	100	22	4	2	8	13	33	16	1
Female prisoners who had:										
Intimate victims	2,345	100%	61%	16%	1%	0	1%	1%	20%	1%
Husbands and ex-husbands	1,308	100	73	10	1	0	0	0	16	0
Boyfriends	1,037	100	47	22	0	0	1	3	25	1
All other victims	9,455	100	31	10	1	1	5	30	19	3

Note: Excludes cases where the victim-offender relationship could not be determined.
Source: BJS Survey of Inmates in State Correctional Facilities, 1991.

Two-thirds of the State prisoners incarcerated for harming intimates had a criminal history

In 1991, of those male prisoners with violent offenses against intimates —

- 30% were first offenders (persons who had not been sentenced to probation or incarceration prior to this conviction)
- 34% had a previous conviction for a violent offense
- 36% had a previous conviction for a nonviolent offense.

This pattern was similar to that for violent male prisoners with other types of victims.

In general, violent female prisoners were more likely than violent male prisoners to be first offenders. For female prisoners incarcerated for intimate violence the pattern is the same:

- 72% were first offenders
- 13% had a previous conviction for a violent offense
- 15% had a previous conviction for a nonviolent offense.

Female prisoners with violent offenses against intimate victims were more likely than those who victimized others to be first offenders (72% vs. 52%).

Sentence lengths of State prisoners who victimized intimates are similar to those who attacked nonintimates

In 1991, the average sentence length for State prisoners convicted of violence other than robbery was about 20 years. Of those prisoners convicted of violence against intimates —

- 16% were sentenced to 5 years or less
- 14% were sentenced to 5 to 10 years
- 50% were sentenced to 10 or more years
- 20% were sentenced to life terms or the death penalty.

The proportion of female prisoners convicted of violence against intimates who received life terms or the death penalty (33%) is higher than that for male prisoners convicted of violence against intimates (19%) and that for female prisoners who victimized nonintimates (22%). This difference is probably attributable to the higher proportion of female prisoners who victimized intimates being convicted of some form of homicide.

How long do State prisoners who victimized intimates expect to stay in prison?

Most State prisoners are released from prison eventually: some before their entire sentence is served through parole or good time provisions, the rest when their sentences expire. State prisoners who victimized intimates and those who victimized others share similar expectations about how long they will serve. For State prisoners who victimized intimates —

- 60% expected to serve at least 5 years.
- the average time expected was about 9 years.

Prisoners' sex and relationship to the victim	Percent of violent* State prisoners who expected to serve —			
	2 years or less	More than 2 to 5 years	More than 5 to 10 years	More than 10 years
Total	14%	26%	26%	34%
Intimate	15	26	30	30
Others	14	26	26	34
Male	14%	26%	26%	34%
Intimate	15	27	30	29
Others	14	26	26	35
Female	18%	26%	30%	26%
Intimate	15	19	31	36
Others	19	29	30	23

*Excluding robbery
Source: Survey of Inmates in State Correctional Facilities, 1991.

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Methodological note

Since nearly 4 in 10 murders reported by law enforcement have an unknown victim-offender relationship, it is possible that they may distribute in the same way as known cases, especially if the unknown cases disproportionately occur in some jurisdictions due to poor reporting of this variable. However, it may also be the case that unknown assailants are more likely to be reported in cases where the victim and offender have no prior relationship, indicative of a higher prevalence of stranger murders. In light of the substantial fraction of murders with unknown victim-offender relationships, readers are urged to use caution in estimating the proportion of murders occurring between intimates.

Trends in the number and rates of homicide victims by relationship to the offender, 1977-92

	Estimated number of homicide victims						Rate per 100,000 population age 16 and over	
	Wife or girlfriend	Husband or boyfriend	Other relatives	Other known	Stranger	Unknown	Wife or girlfriend	Husband or boyfriend
1977	1,396	1,185	1,683	7,113	2,562	5,162	1.6	1.5
1978	1,428	1,095	1,701	6,199	2,640	5,886	1.7	1.4
1979	1,438	1,137	1,674	6,909	2,682	7,574	1.6	1.4
1980	1,498	1,129	1,797	7,304	3,064	8,248	1.7	1.4
1981	1,486	1,149	1,869	7,837	3,491	6,666	1.6	1.4
1982	1,408	1,008	1,807	7,290	3,551	5,904	1.5	1.2
1983	1,487	1,043	1,796	6,681	2,897	5,445	1.6	1.2
1984	1,420	897	1,701	6,542	3,289	4,822	1.5	1.0
1985	1,480	835	1,708	7,099	2,752	5,106	1.6	1.0
1986	1,525	866	1,690	7,708	2,679	6,142	1.6	1.0
1987	1,508	824	1,729	7,377	2,653	5,950	1.6	0.9
1988	1,592	765	1,613	7,383	2,564	6,783	1.6	0.9
1989	1,441	817	1,741	7,568	2,817	7,117	1.5	0.9
1990	1,524	797	1,688	7,946	3,375	8,134	1.5	0.9
1991	1,528	714	1,703	7,567	3,716	9,472	1.5	0.8
1992	1,510	657	1,531	7,550	3,218	9,295	1.5	0.7

Note: Wife or girlfriend and husband or boyfriend includes ex-spouses.
Source: FBI, *Crime in the U.S.*, 1977-92 and U.S. Population Estimates from the U.S. Bureau of the Census.

Marianne W. Zawitz of the BJS staff prepared this report. Substantial assistance was provided by Patsy Klaus, Ronet Bachman, Patrick Langan, Helen Graziadei, and Caroline Wolf Harlow of the BJS staff.

October 1994, NCJ-149259

Additional details about the redesign of the National Crime Victimization Survey

The redesign of the NCVS

In the mid-1970's the National Academy of Sciences evaluated the NCVS for accuracy and usefulness. While the survey was found to be an effective instrument for measuring crime, reviewers identified aspects of the methodology and scope of the NCVS that could be improved. They proposed research to investigate the following:

- an enhanced screening section that would better stimulate respondents' recall of victimizations
- screening questions that would sharpen the concepts of criminal victimization and diminish the effects of subjective interpretations of the survey questions
- additional questions on the nature and consequences of victimizations that would yield useful data for analysis
- enhanced questions and inquiries about domestic violence, rape, and sexual attack to get better estimates of these hard-to-measure victimizations.

The redesign has improved the measurement of domestic violence

Respondents may be reluctant to report acts of domestic violence as crimes, particularly if the offender is present during the interview. In addition, victims may not perceive domestic violence as discrete criminal acts but as a pattern of abuse. Though these issues still pose measurement problems, the redesigned screening section includes explicit questions about incidents involving family members, friends, and acquaintances. Screening questions also include multiple references to acts of domestic violence to encourage respondents to report such incidents even if they do not define these acts as crimes. The survey staff review these reported incidents using standardized definitions of crimes. Thus, within the categories of violent crime measured by the NCVS, the redesign will produce fuller reporting of those incidents that involved intimates or other family members.

A comparison of the old and new questionnaire illustrates the expanded cues that help a respondent recall an incident

New

2. People often don't think of incidents committed by someone they know. Did you have something stolen from you OR were you attacked or threatened by —
 - a. Someone at work or school —
 - b. A neighbor or friend —
 - c. A relative or family member —
 - d. Any other person you've met or known?

3. Did you call the police to report something that happened to YOU which you thought was a crime?

4. Did anything happen to you which you thought was a crime, but did NOT report to the police?

Old

2. Did you call the police to report something that happened to YOU which you thought was a crime?

3. Did anything happen to YOU which you thought was a crime, but did NOT report to the police?

Percent of murder victims by relationship to the offender and weapon type, 1992

Victim's relationship to the offender	Percent of murder victims									
	Firearms					Other guns and not stated	Knives or cutting instruments	Personal weapons (hands, fists, feet)	Blunt objects (clubs, hammers, etc.)	Other weapons*
	Total	Total firearms	Handguns	Rifles	Shotguns					
Total	100%	68%	55%	3%	5%	5%	15%	5%	5%	3%
Intimates total	100	62	48	5	8	1	24	5	3	3
Males	100	53	44	3	5	1	40	1	2	1
Husband	100	61	50	5	6	1	30	2	3	1
Boyfriend	100	41	35	1	4	1	54	1	1	1
Females	100	66	50	6	9	1	17	7	4	4
Wife	100	69	51	6	10	1	15	5	4	4
Girlfriend	100	60	47	4	7	1	19	9	3	5
All other relatives	100	45	31	5	8	1	18	18	6	8
Other known	100	69	56	4	6	3	18	5	4	2
Stranger	100	75	64	3	4	3	11	4	5	2
Unknown	100	71	58	1	3	9	10	3	5	3

*Poison, pushed or thrown, explosives, fire, narcotics, drowning, strangulation, or asphyxiation.

Source: Special analysis of Supplemental Homicide Report, Uniform Crime Reports, FBI, 1992

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MEMORANDUM

TO: Members of the Subcommittee on Crime and Criminal Justice

FROM: Charles E. Schumer, Chairman

RE: H.R. 1502, The Violence Against Women Act

DATE: September 21, 1992

The Subcommittee on Crime and Criminal Justice is scheduled to meet on September 22, 1992 to consider H.R. 1502, the Violence Against Women Act of 1992.

The Subcommittee held a hearing on violence against women on February 6, 1992. The witnesses included a prosecutor who specializes in crimes against women, the executive director of a rape crisis center, an expert in police response to domestic violence, a representative from a leading victims' organization, and women who had been the victims of rape and domestic violence. The testimony of these witnesses demonstrated the pervasiveness and the severity of violence against women. It also demonstrated that the response of the law enforcement system needs to be strengthened. Many of the witnesses discussed H.R. 1502 and testified that its provisions would enable stronger and more effective law enforcement.

BACKGROUND**The Prevalence of Violence Against Women**

Three out of four women will be victims of at least one violent crime during their lifetimes, according to the Department of Justice. Every hour, 10 women are raped and 240 women are beaten by their husbands or boyfriends. As the general crime rate rises, women are bearing an increasingly disproportionate share of this epidemic of violence. During the past ten years, the rape rate has risen more than four times as fast as the total

crime rate, according to statistics compiled by the FBI. During this same period, according to the Surgeon General, domestic battery became the single largest cause of injury to women in the United States.

As troubling as these figures are, they do not tell the whole story. Violent crimes against women are vastly underreported. Researchers estimate that only 34% of stranger rapes and 13% of acquaintance rapes are reported to authorities. No more than half of domestic battery victims go to the police.

Crimes committed against women are not only numerous, but also intensely violent. More than half of women homicide victims are killed by their husbands, ex-husbands, or boyfriends, and more than half of rape victims experience physical injuries other than the rape itself. The damage done by these crimes continues well past the incident itself. Rape survivors are also nine times more likely than other women to attempt suicide. In addition, children who grow up in violent households are far more likely than average to commit violent crimes as juveniles or adults.

Violence Against Women and the Administration of Justice

Despite the prevalence of women's victimization, rape and domestic violence are not always treated as the reprehensible offenses that they are. Injuries inflicted by the criminal can be compounded by a "blame the victim" attitude that causes women to feel ashamed or even that responsible for the crime. Women's allegations are met by extraordinary skepticism and incredulity. Other stereotypes, such as the belief that women "really want" to have sex forced upon them or that wife-battering is a private family matter, also result in crimes against women not being taken as seriously as robberies or assaults against male victims.

These attitudes can afflict the criminal justice system as well as society in general. In some instances, women who come forward seeking justice have reported that police officers, prosecutors, and judges are not trained to deal with the special problems of women's victimization. These officials may themselves disbelieve a woman's report of a crime, or they may feel that her complaint is not worth acting upon. When cases do go to prosecution, insensitive and even hostile enforcement officials can make the process of investigation and trial another ordeal for the victim.

H.R. 1502

H.R. 1502 was introduced by Representative Boxer. The Senate companion bill, S. 15, was reported favorably by the Senate Judiciary Committee on October 29, 1991.

I have prepared, and will offer at the markup session, an amendment in the nature of a substitute to H.R. 1502. A copy of this proposed amendment is attached, and a summary is provided below. Please note, however, that H.R. 1502 includes a number of provisions that are not within the jurisdiction of the Judiciary Committee. In fact, H.R. 1502 is currently pending before four Committees in addition to Judiciary: Public Works & Transportation, Interior & Insular Affairs, Energy & Commerce, and Education & Labor. Accordingly, Subcommittee consideration of the bill will be limited to material within the Judiciary Committee jurisdiction.

Summary of Proposed Substitute Amendment to H.R. 1502

Title I--Safe Streets for Women

Subtitle A--Mandatory Restitution for Sex Offenses. This Subtitle requires persons convicted of federal sex offenses to pay restitution to the victims of their crimes.

Mr. Feinstein
Difference from bill as introduced: The original version of H.R. 1502 also included a provision requiring every sex offender in federal prison to undergo rehabilitative treatment. Because the effectiveness of treatment for sex offenders has not been demonstrated, and because I believe that sex offenders should be punished just as other criminals are, I have omitted this provision from my proposed amendment.

Subtitle B--Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women. This Subtitle authorizes \$300 million annually for grants to state and local law enforcement agencies. Grant funds may be used for hiring additional prosecutors, law enforcement officers or other personnel, for training, for purchasing equipment, or for other programs designed to combat violence against women. In addition to other conditions, States receiving funds are required to provide forensic medical exams to rape victims free of charge.

Difference from bill as introduced: At the suggestion of the Legislative Counsel, several terms have been clarified and a number of technical and drafting defects have been remedied.

Subtitle C--Safety for Women in Public Transit and Public Parks. This Subtitle provides funding for safety-related improvements to public transportation facilities, federal parks, and other public parks.

Subtitle D--National Commission on Violent Crime Against Women. This Subtitle establishes a national commission to investigate the nature and causes of violence against women, and to develop solutions.

Subtitle E--Assistance to Victims of Sexual Assault. This Subtitle would provide that certain grant money distributed under the Public Health and Health Services Act may be used to fund rape prevention programs, and would provide additional funding for demonstration rape prevention projects.

Difference from bill as introduced: The original version of H.R. 1502 also included several changes to the Federal Rules of Evidence.

Title II--Safe Homes for Women

Subtitle A--Interstate Enforcement. This Subtitle would create a new federal offense for interstate spousal abuse. The offense would punish an individual who crosses state lines and subsequently either batters his or her spouse or intimate partner or violates a court order protecting the spouse or partner. This Subtitle would also require States to give full faith and credit to protection orders issued by other States.

Differences from bill as introduced: The new federal offense has been redrafted to require that the offender himself or herself cross state lines; the original bill would have included situations in which the offender caused another individual to cross state lines and injure the victim. A second change concerns the bill's definition of punishable battery. The original bill would have required prosecutors to show that the offender had violated state law; the substitute amendment employs a federal standard for battery. Third, the amendment clarifies the bill's definition of a valid order of protection. Finally, the amendment streamlines the bill's penalty structure.

New Federal Standard for battery

Subtitle B--Arrest in Spousal Abuse Cases. This Subtitle establishes a grant program under the Family Violence Prevention and Services Act for state and local programs aimed at encouraging the arrest of domestic violence offenders.

Subtitle C--Funding for Shelters. This Subtitle authorizes funding assistance to shelters for battered women and children.

Subtitle D--Family Violence Prevention and Services Act Amendments. This Subtitle increases the authorization level for certain grant programs established by the Family Violence Prevention and Services Act, and authorizes new grants for States to use in developing comprehensive systems for responding to family violence.

Subtitle E--Confidentiality for Abused Persons. This Subtitle directs the Postmaster General to promulgate regulations to prevent the unauthorized disclosure of the new addresses of

individuals who have been abused and who have changed residences in order to escape their abusers.

Title III--Safe Campuses for Women

This Title provides funding for campus rape education, and requires to report the incidence of sexual assault among their students.

Differences from bill as introduced: H.R. 1502 as introduced contains two additional titles: one creating a civil cause of action for victims of gender-motivated violence, and one providing for the training of judges and court personnel on issues related to violence against women.

Judicial Impact Statement

Violence Against Women Act

H.R. 1502

Prepared by:

The Judicial Impact Office

The Administrative Office of the U.S. Courts

Revised: June 8, 1992

JUDICIAL IMPACT STATEMENT
VIOLENCE AGAINST WOMEN ACT, H.R. 1502

Executive Summary

The Violence Against Women Act (H.R. 1502) would have an annual resource cost to the Judiciary that would exceed \$81 million and 922 work years. These costs are explained in the cost summary section. The bill's major provisions include: (1) permitting civil rights remedies for crimes of sexual violence motivated by the victim's gender; (2) creation of new Federal criminal offenses for interstate travel to commit spousal abuse, and interstate travel to violate protection orders; (3) education and training for judicial officers and other court personnel; (4) creation of new evidentiary rules; (5) mandatory restitution for several sex crimes; (6) establishing new record-keeping procedures and reports on domestic violence; and (7) increased sentences and fines for repeat offenders.

This bill has five titles that are summarized below. Title III, permitting civil rights remedies for crimes of violence motivated by the victim's gender, would result in about 13,450 additional civil rights filings, increasing civil rights filings by 63 percent to a total of 34,650 (based on data for the year ending December 1991). Based on caseload figures for the year ended June 1991, title III trials would comprise about 8 percent of all civil trials. Attachment I provides additional information on the impact of titles II and III on current Federal caseload.

The caseload estimates for title III are limited to the violent crimes of rape and sexual assault. Because title III specifically excludes random acts of violence unrelated to gender, violent crimes such as robberies were not included in the caseload estimates. In addition, the title III caseload estimates do not include estimates of filings resulting from domestic violence cases related to divorce proceedings being heard in State courts. (see pages 8 and 11).

Title I - Safe Streets for Women. This title would result in additional litigation, filings, mandatory restitution, collection efforts and presentence reports. Although the workload per case would increase, few cases involving crimes covered under this title currently reach the Federal courts because of limited Federal jurisdiction (e.g., Federal parks, military bases, airplanes and ships). Rule 412 is amended to provide for interlocutory appeals of evidentiary rulings. This would have minimal impact on appellate court hearings, because of the small number of Federal cases covered by Rule 412. This title also creates two new evidentiary rules (412A and 412B) that would result in more

court hearings and associated administrative time. The estimated cost of this title is approximately \$9.8 million and 120 work years, of which \$8.3 million is associated with Rule 412B. (page 5)

Title II - Safe Homes for Women. This title creates new Federal criminal offenses for committing spousal abuse in connection with interstate travel and for interstate violation of protection orders. The Judiciary would be authorized to issue temporary orders of protection, and there would be mandatory restitution. These actions would create additional criminal cases in the Federal courts by expanding Federal jurisdiction into an area currently confined to State courts. The estimated cost is about \$18.8 million and 226 work years. (page 7)

Title III - Civil Rights. This title creates a new Federal civil cause of action and permits civil rights remedies for crimes of sexual violence motivated by the victim's gender. This title would greatly increase civil caseloads. The estimated cost would approach \$50.4 million and 554 work years. (page 8)

Title IV - Safe Campuses for Women. This title would not have a significant impact on the Judiciary.

Title V - Equal Justice for Women in the Courts Act of 1991. This title requires the Federal Judicial Center (FJC) to conduct a study of the nature and extent of gender bias in the Federal courts. In addition, the FJC would test, present and disseminate model training programs for Federal judges and other court personnel on topics related to violence motivated by a victim's gender. The cost of these activities would be greater than the funding level of \$400,000 authorized by the title. (page 10)

POSITION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES ON H.R. 1502

The Judicial Conference of the United States supports the objectives of this legislation. However, the Conference opposes certain provisions of the bill. Of particular concern are the provisions in subtitle A of title II, which create new Federal crimes for interstate travel for the purpose of spousal abuse and violation of protective orders, and the provisions in title III, which create a new civil rights action for victims of gender-motivated crimes of violence. These provisions could significantly disrupt the jurisdictional balance between the State and Federal courts.

JUDICIAL IMPACT STATEMENT CHECKLIST

This office has prepared a standard checklist for use in analyzing legislation for specific structural drafting flaws or omissions which tend to generate additional litigation beyond the intrinsic purposes and intent of the legislation.

This legislation was compared to this standard checklist and the following items have been found to be missing or insufficiently defined:

- (1) A standard statute of limitations for civil actions has not been provided.
- (2) The criminal mens rea (state of mind) requirements have not been fully defined.
- (3) A severability of provisions clause has not been provided.
- (4) An effective date has not been provided.

Cost Summary

The annual cost to the Judiciary (not including the Supreme Court and the U.S. Sentencing Commission) would exceed \$81 million and 922 work years. Attachment II graphs the breakout of these costs by title. Details are shown below:

Recurring Annual Resource Costs

<u>Titles</u>	<u>Costs</u> <u>\$ in M</u>	<u>Work Years</u>
Safe Streets for Women.....	9.8	120.0
Safe Homes for Women.....	18.8	225.7
Civil Rights.....	50.4 ^{1/}	553.8 ^{1/}
Safe Campuses for Women.....	---- ^{2/}	---- ^{2/}
Equal Justice for Women in the Courts.	---- ^{3/}	---- ^{3/}
Administrative and Other Support.....	<u>2.1</u>	<u>22.9</u>
Total	\$81.1	922.4

- ^{1/} Other costs, such as \$14.9 million and 163 work years resulting from filings related to domestic violence in the context of divorce proceedings, could arise from enactment of this title.
- ^{2/} No costs to the Judiciary anticipated.
- ^{3/} \$0.4 million has been authorized for FY 1992 as a one time cost associated with this title. The authorized level is expected to be inadequate for full implementation of title V.

The table below shows the estimated full year recurring budget cost of H.R. 1502. The difference between the budget and the resource cost estimates are the costs of judicial officers, their staffs and support. The bill does not authorize new judgeships to handle the increased workload. Therefore, additional money would not be budgeted to cover judicial officers and associated staff time (which would be diverted from other work). The Recurring Annual Resource Costs table (above) includes the resources for about 95 judicial officers and 485 associated support staff. These costs are not included in the Recurring Annual Budget Costs table. The annual budget cost to the Judiciary would be about \$28.7 million and 343 work years.

Recurring Annual Budget Costs

<u>Appropriation</u>	<u>Costs</u> <u>\$ in M</u>	<u>Work Years</u>
Courts of Appeals, District Courts, and Other Judicial Services		
Salaries and Expenses.....	19.3	298.6
Fees of Jurors & Commissioners	1.9	---
Defender Services	<u>6.0</u>	<u>26.7</u>
Subtotal	\$27.2	325.3
Administrative Office.....	.5	9.8
Federal Judicial Center.....	<u>1.0</u> 1/	<u>7.8</u>
Subtotal	\$ 1.5	17.6
 Total	 <u>\$28.7</u> 2/	 <u>342.9</u>

1/ The Federal Judicial Center has stated that the authorized sum of \$400,000 would be inadequate for the implementation of title V. This one-time cost is not included in the total.

2/ There is a one time cost of \$2.9 million associated with hiring new employees (e.g., equipment, furniture, security investigations, etc.) which is not included in this total.

DETAILED IMPACT OF H.R. 1502

The following details the impact of H.R. 1502 on court workload and jurisdiction, as well as the significant reoccurring annual costs:

Provision: Title I - Safe Streets for Women

Title I Subtitle A (Mandatory Restitution, Treatment, and Rehabilitation for Sex Offenses).

This would affect both court administration and probation. It would require the U.S. Attorney to file a proof of claim with the court on behalf of the victim in order to justify restitution to victims of crimes under Chapter 109A of Title 18, of the U.S. Code, thus increasing court filings.

It also would require mandatory restitution for certain crimes. For the year ended June 30, 1991, 160 defendants were convicted of an offense under Chapter 109A, including approximately 14 (based on historic averages) that were ordered to make restitution. The new provisions for mandatory restitution would generate an additional 146 restitution orders, using the 1991 caseload. This would not only increase the variety and number of restitution payments to be made but also the number of defaults that would occur. Furthermore, the mandatory restitution provisions would cause more work in monitoring the payment of all restitution for defendants on probation and supervised release.

Most of the actions listed above would require extra docketing, calendaring, noticing and court personnel time, but the resource impact is anticipated to be minimal because of the small number of cases. Similarly, although an estimate of judicial officer time and associated support was not developed, judges are expected to spend more time at revocation hearings due to the increased number of restitution orders.

Title I Subtitle E (New Evidentiary Rules).

There are two additions to the Federal Rules of Evidence (Rules 412A and 412B) that would have a significant impact on the Judiciary. Rule 412A states that in a criminal case not governed by Rule 412, which governs offenses under 18 U.S.C. 109A (rape shield law), opinion or reputation evidence of a victim's past sexual behavior is not admissible. Evidence, other than opinion or reputation, may be admissible if the defendant files a motion for an order, a hearing is held, and the court considers certain criteria. Rule 412B concerns the admission of evidence of a victim's past sexual behavior for use in a civil case in which a defendant is accused of actionable sexual misconduct.

In addition, Rule 412 is amended to provide for interlocutory appeals of evidentiary rulings made under this rule regarding the victim's past sexual behavior. The appeals may be filed by the government or the victim.

Rules 412A and 412B would result in additional district court judge and staff resources to provide for the following activities: (1) docketing and scheduling; and (2) reviewing pleadings and holding hearings associated with these rules. Read in connection with other parts of the bill, which create new criminal and civil causes of action arising out of domestic situations and gender based crimes, it can be anticipated that (1) cases involving this kind of evidence would be numerous; and (2) the kind of evidence to which reference is made (victim's past sexual behavior) would be offered frequently in these kinds of cases.

It is difficult to estimate the total number of cases in which Rule 412A would be applied, since it governs all criminal cases except for the few covered by Rule 412. In 1991, there were over 45,200 criminal cases filed in the Federal district courts. Most of these involved crimes such as fraud, robbery, drugs, theft, and traffic violations. Only 539 involved assault, 415 involved sex offenses, 404 involved extortion, racketeering, and threats, and 58 involved kidnapping. Based on these figures, a victim's past sexual behavior might be an issue in an estimated 200 criminal cases that would be affected by Rule 412A. In the other cases, there may not be an identifiable victim (such as in a bank robbery) or the victim's behavior may not be at issue.

However, title II of H.R. 1502 creates a new Federal criminal action for crossing State lines to commit or intending to commit spousal abuse. It is estimated that an additional 1,550 cases would enter the Federal courts as a result of this proposed legislation (see analysis of title II in next section for derivation of the caseload estimate) and that Rule 412A would be applied in most of these. The total cost to the courts of applying Rule 412A to 1,750 (200 + 1,550) cases is \$1.5 million and 18.5 staff years.

Rule 412B applies to cases involving a claim of actionable sexual misconduct, including, but not limited to, sex harassment or discrimination claims brought pursuant to Title VII of the Civil Rights Act of 1964 and gender bias claims brought pursuant to title III of H.R. 1502. An average of 8,700 employment discrimination cases under Title VII were commenced annually in Federal court during 1988-1990. An estimated one third of these, or 2,700 cases involved sexual discrimination and would be covered by Rule 412B. Another 13,450 would arise from claims brought under title III of H.R. 1502 (see section on analytical assumptions for the derivation of this caseload estimate). The total cost to the courts of applying Rule 412B is estimated to be \$8.3 million and 101.5 staff years. This assumes that Rule 412B would be applied in 60 percent of the identified cases above (2,700 and 13,450) or about 9,700 cases.

The table below details the resource costs associated with Rules 412A and 412B:

	<u>Costs</u> <u>\$ in M</u>	<u>Work Years</u>
Courts		
District Court Judges.....	3.32	11.3
Support Staff.....	3.27	62.1
Magistrate Judges.....	1.40	5.6
Support Staff.....	1.08	22.4
Clerks Office.....	.73	18.6
Total	\$9.80	120.0

Amending Rule 412 to permit interlocutory appeals from evidentiary rulings in cases involving offenses under 18 U.S.C. 109A would result in additional appellate court time for hearings and ruling on appeals and additional administrative time in docketing and handling appeals. Although there is existing case law which permits a victim to appeal an adverse ruling under Rule 412, there is not a substantial body of case law on this issue. Such appeals also could result in multiple appeals in the same case. This would increase the cost and delay in these cases, and would have a significant effect on each case. However, because there were only 125 defendants convicted for an offense under Chapter 109A in 1990, the overall costs to the Judiciary are anticipated to be relatively small.

Provision: Title II - Safe Homes for Women

Section 211 creates a new Federal offense for causing injury to a spouse or intimate partner during interstate travel or thereafter, for causing a spouse or intimate partner to cross State lines by force, coercion, duress or fraud to commit an injurious act, and for interstate violation of protection orders. It empowers the court to issue temporary orders of protection when such criminal actions are pending before the court. This title would expand Federal jurisdiction to an area that has been exclusively confined to State courts.

At a minimum, an estimated 1,800 cases would be brought into the courts associated with these new Federal offenses. This is based on an estimated 53,800 potential Federal cases from violent crimes against women (see section on analytical assumptions for detailed explanation). Of these cases, about 3 percent (1,550) are projected to involve spouses or intimate partners and interstate travel. In addition, another 250 cases are projected to involve protection orders. The costs below reflect this minimum increase in cases. An estimated 75 percent of the defendants in these cases would be eligible for appointment of counsel under the Criminal Justice Act.

The bill provides for mandatory restitution to a victim of an offense under this chapter. The increase in court workload resulting from this provision is similar to the effects discussed in the previous section on title I with respect to restitution in sex offense cases. The new provisions also require additional judicial officer and associated clerical support time in the creation and issuance of restitution orders.

The use of the words "or thereafter" after the reference to interstate travel has two effects. First, it could make actionable almost any act that caused injury to a spouse or intimate partner, because many couples are involved in interstate travel at some time in their lives together, and there is no limit in the legislation to "thereafter". Second, because this wording is so vague, it could result in additional litigation to clarify its meaning.

The estimated minimum effect on the Judiciary is an annual resource cost of over \$18.8 million and 226 work years. The distribution of these recurring resource requirements is presented below.

	Costs <u>\$ in M</u>	<u>Work Years</u>
Circuit Court Judges.....	.31	.9
Support Staff.....	.34	5.9
District Court Judges.....	.86	2.9
Support Staff.....	.85	16.1
Magistrate Judges.....	.51	2.1
Support Staff.....	.40	8.2
Clerks Office.....	.65	16.6
Other Court Support.....	.05	1.3
Probation.....	7.56	145.0
Defender Services.....	6.00	26.7
Fees of Jurors & Commissioners...	.90	---
Court Security.....	.41	---
TOTAL	\$18.84	225.7

Provision: Title III - Civil Rights

This title creates a Federal civil rights cause of action for any citizen whose right to be free of gender related crimes of violence has been abridged.

Under section 301, victims of "crimes of violence motivated by the victim's gender" would generate 13,450 Federal civil tort cases (see analytical assumptions section for more detail). This would cost the Judiciary over \$50.4 million and 554 staff years annually. This caseload estimate represents about two-tenths of 1 percent of the annual number of violent victimizations of women. Many of these crimes would involve attackers with limited

assets (75 to 80 percent of current criminal cases require appointment of public defenders), which would discourage civil tort actions.

The caseload estimates for title III are limited to the violent crimes of rape and sexual assault (see analytical assumptions section). The new cause of action under title III specifically excludes random acts of violence unrelated to gender or acts that cannot be demonstrated, by a preponderance of the evidence, to be committed because of gender or on the basis of gender. Therefore, violent crimes such as robbery were not included in the caseload estimates.

A great deal of uncertainty exists as to what constitutes an act committed on the basis of gender or because of gender. The bill and the report of the Senate Judiciary Committee leave the door open to cases in which the victim was attacked because of their gender, even if it is not proven in those cases that the attack was the result of intent to discriminate against the whole class of persons of that gender. Because the bill is not explicit in excluding such cases, this analysis included them in the caseload estimates.

In addition, the Judicial Conference of the United States, as well as the Conference of State Chief Justices, have raised concerns that title III actions related to divorce cases would significantly disrupt the jurisdictional balance between State and Federal courts and result in a greatly increased caseload. Under a worst case scenario, as many as 121,000 title III filings associated with State divorce proceedings could be filed in Federal court, costing the courts \$149 million annually. (See analytical assumptions section.) However, a conservative estimate that eliminates most of these filings due to several factors explained in the analytical assumptions section would be that about 10 percent of these, or 12,100 title III actions, of which about 600 would proceed through trial, would actually be filed in Federal courts. This would cost the courts \$14.9 million annually.

The report of the Senate Judiciary Committee states that title III is not a Federal divorce law, disputes the claim that individuals in contested divorces would bring actions under title III, and states that title III does not cover random beatings in the home. Because there is substantial disagreement between knowledgeable parties on whether the bill, in fact, would result in divorce-related title III filings, this analysis did not make a determination on this issue. However, in order to provide the most conservative estimate of the resource cost of title III, under the definition of gender based crime, domestic violence cases related to divorce actions were not included in the total caseload and resource cost projections. Instead, the

conservative cost estimate for divorce-related title III filings is footnoted in the annual resource cost table on page 4.

The estimated distribution of the recurring resource costs are presented below.

	Costs \$ in M	Work Years
Circuit Court Judges.....	3.79	11.2
Support Staff.....	4.22	72.8
District Court Judges.....	10.54	35.9
Support Staff.....	10.39	197.3
Magistrate Judges.....	6.30	25.2
Support Staff.....	4.86	100.8
Clerks Office.....	4.09	104.4
Other Court Support.....	.25	6.2
Fees of Jurors & Commissioners...	.95	---
Court Security.....	5.00	---
TOTAL	\$50.39	553.8

The analysis of this section does not include costs associated with defender services and probation. However, these costs would occur if the civil tort involves a person who has already been convicted on a felony charge or is awaiting trial on a felony charge. Depending on the frequency of such occurrences, the costs could be significant.

Provision: Title V - Equal Justice for Women in the Courts

Subtitle B (Education and Training for Judges and Court Personnel in Federal Courts).

This provision requires the Federal Judicial Center (FJC) to conduct a study of the "nature and extent of gender bias in Federal courts, including in proceedings involving rape, sexual assault, domestic violence, and other crimes of violence motivated by gender." In addition, the FJC is directed to develop, test, present, and disseminate model programs to be used in training Federal judges and court personnel in the laws on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender. Section 523 authorizes \$400,000 in FY 1992 for implementation of this subtitle. Of this amount, the FJC may expend between \$100,000 to \$160,000 on the study of gender bias in the Federal courts.

Implementation of this title may take several years to complete. The Federal Judicial Center has not been able to estimate the cost of implementing the activities identified under this title; however, the authorized level is believed to be inadequate for the activities specified.

Additional Support

The annual recurring cost for Administrative Office and other court support is nearly \$2.1 million and 22.9 work years. These are for administration (e.g., personnel, space alterations, automation) program support (e.g., court administration, probation, and related activities), and training.

	Costs \$ in M	Work Years
Federal Judicial Center.....	1.03 1/	7.8 1/
Administrative Office Direct.....	0.53	9.8
Administrative Office Reimburse...	0.49	5.3
Total	\$2.05	22.9

1/ This does not include the \$400,000 authorized by title V.

Analytical Assumptions

There is limited statistical information available on the number of rapes, sexual assaults, or abusive sexual contacts occurring in the U.S. annually. According to a March 21, 1991 report of the Senate Judiciary Committee Majority staff, there were over 100,000 attempted and completed rapes reported to police in 1990. The Committee report on S. 15 (this is the companion bill to H.R. 1502) estimates that 1.3 million women were attacked by a rapist and 4 million women were beaten in their homes between June 1990 and October 1991. On April 19, 1992 the Department of Justice released their Household Crime Statistics, which stated that rape rates rose to 1 per 1,000 in 1991 and that assaults increased by 6.5 percent over the 1990 levels. Also, in April 1992, the Crime Victims Research and Treatment Center released a study that found there are 683,000 women raped annually in the U.S., of which 16% or about 109,000, report these crimes to police.

The most recent comprehensive study of gender based crimes was published in January 1991, by the U.S. Bureau of Justice Statistics. This organization conducted a confidential survey of households to estimate the actual number and types of crimes committed. About 50 percent of these crimes are not reported to Federal, State or local authorities. Based on its most recent surveys, there are approximately 2.6 million violent victimizations of women annually, which includes 155,000 attempted and completed rapes (102,000 attempted and 53,000 completed), roughly 435,000 robberies and about 2 million assaults. The rape estimates and a portion of other violent victimizations of women as reported by the Bureau of Justice Statistics (BJS) are used in this analysis to identify the number of persons who may elect to seek recovery of compensatory and punitive damages under title III of this bill and to estimate

numbers of domestic cases that would become Federal crimes under title II of the bill.

Not all of the women involved in the 2.6 million violent victimizations would file a civil tort action. The analysis looked at both the statistics and the bill language to estimate the potential Federal caseload that might arise from H.R. 1502. Title III of the bill creates a new civil cause of action for crimes of violence motivated by gender, specifically excluding random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be committed because of gender or on the basis of gender.

The analysis began with the total number of reported rapes which were completed and the attacker was known (15,100 out of the total 155,000). Presumably, if the attacker was unknown, one could not file a case against him for damages.

In addition, the analysis dropped out all robberies (435,000) on the basis of the bill's random violence limitation, although it is possible that some robberies may be committed on the basis of gender. The number of assaults was reduced from 2 million to 38,700 to include only those instances where the attacker was known, the assault was reported to authorities, and there was a desire by the victim to punish the offender (based on responses to the BJS crime survey).

Potential Federal cases from both rapes (15,100) and other violent assaults against women (38,700) was estimated to be about 53,800 annually. However, this analysis adjusted those estimates downward to provide an even more conservative projection. Even though the title III provisions involve civil actions, this analysis took into consideration the fact that 75 percent of those individuals prosecuted in criminal rape and assault trials are represented by Public Defenders and therefore would not have significant resources to warrant a civil suit. This analysis also considered a statement in the Senate committee report on S.15 that states that title III does not create a general Federal law for all assaults or rapes against women, and that a plaintiff must prove that the crime of violence was motivated by gender. Therefore, the analysis assumed that no more than 25 percent of the above cases (13,450) would reach the Federal courts. This represents about two-tenths of one percent of the BJS total estimates of annual violent victimizations of women.

The analysis assumes that 7 percent, or 942 of the civil cases would go to trial, based on historical rates for other civil rights actions, with the remainder being settled out of court. Even with this relatively high out of court settlement rate, the average cost of a civil tort case is about \$3,750, assuming that Court Security, Defender Services and Probation activities would not play a significant role. However, there is

a potential for their involvement, since some of the defendants also would have been convicted on other felony charges (drugs, robbery, criminal assault) or may be awaiting trial. An estimate of these occurrences could not be made at this time and is not included in this analysis. However, they could significantly increase the cost of this bill.

As explained earlier, title III cases related to divorce actions pending in State courts were not included in the caseload estimates. However, an estimate of these types of cases was derived, as explained below.

There were approximately 1,187,000 divorce decrees finalized in the U.S. during 1991. About 60 percent, or 712,200 were contested. In trying to estimate the number of potential cases that might give rise to a title III action, a number of factors were considered. Not all contested divorces involve domestic violence. In addition, because one of the purposes of title III is to allow victims to recover monetary damages, the lack of assets on the part of a defendant could be a strong disincentive to filing a title III action. Therefore, this analysis assumed that between 15-20 percent of contested divorces or 121,000 cases would give rise to a title III action. Under this worst case scenario, the cost to the Judiciary would be about \$148.8 million and 1,633 work years annually.

However, filings probably would be much lower, for a variety of reasons. For example, many lawyers may opt to file a title III action in State, rather than Federal court. Also, some of these domestic violence cases related to divorce actions will have been reported previously to the police and are already included in the title III case estimates. Therefore, this analysis assumed that 10 percent of the potential filings under the worst case scenario, or 12,100 cases, would reach Federal court, of which about 95 percent would be settled out of court. The cost would be about \$14.8 million and 163 work years annually.

The cost estimates are based on the workload measurement formulas used in the Judiciary's 1992 budget. The analysis assumes that no new judges or magistrate judges would be authorized, appointed or hired. The resource cost table includes the value of the time required to implement the bill, because both judges and magistrate judges are now working at full capacity, and their time would necessarily be diverted from other work, which would be deferred, in order to handle the additional workload. If new judgeships were established to handle the increased workload created by the bill, the costs would increase.

There are one time costs associated with hiring new employees to handle additional workload resulting from this bill, including \$1.2 million for providing automation hardware and

support and another \$1.7 million for furniture, space alterations, security investigations, and other equipment. This cost is not included in the annual recurring cost table.

VIOLENCE AGAINST WOMEN ACT, H.R. 1502

Title II - Safe Homes For Women

For the year ending December 31, 1991, there were a total of 45,215 criminal filings in Federal district courts. The largest categories of filings were drugs (11,712), drunk driving (6,968), and fraud (6,898). New criminal filings under title II of H.R. 1502 would probably be in the category of either sex offenses (415 filings in 1991) or assaults (539 filings in 1991).

The impact statement estimated that about 1,800 additional cases would result from title II. This represents a 334 percent increase in assaults or alternatively, a 434 percent increase in sex offenses.

Assaults accounted for about 1.2 percent and sex offenses accounted for almost 1 percent of all criminal cases filed in district courts in 1991. An increase of 1,800 cases would raise this to almost 5.2 percent (2,339 filings) and 4.9 percent (2,215 filings), respectively.

Title III - Civil Rights

The Judicial Impact Statement estimates that title III of this bill could result in a minimum of 13,450 additional civil tort cases being filed in Federal courts. This is a conservative estimate reduced from a maximum potential of 53,800 additional cases (see page 11 of impact statement for explanation of caseload estimates).

Total civil filings in the Federal district courts for the year ended December 31, 1991 were 217,656. Civil rights filings represented about 10 percent of all civil filings. An increase of 13,450 civil rights filings due to S. 15 would increase this to almost 16 percent.

For the year ended December 31, 1991, there were a total of 21,200 civil rights filings in Federal district courts. About 9,986 of these were categorized as voting, employment, housing, and welfare related actions. The remaining 11,214 were categorized as "other".

- An increase of 13,450 filings resulting from H.R. 1502 would result in 34,650 civil rights filings, almost a 63 percent increase. Title III filings would

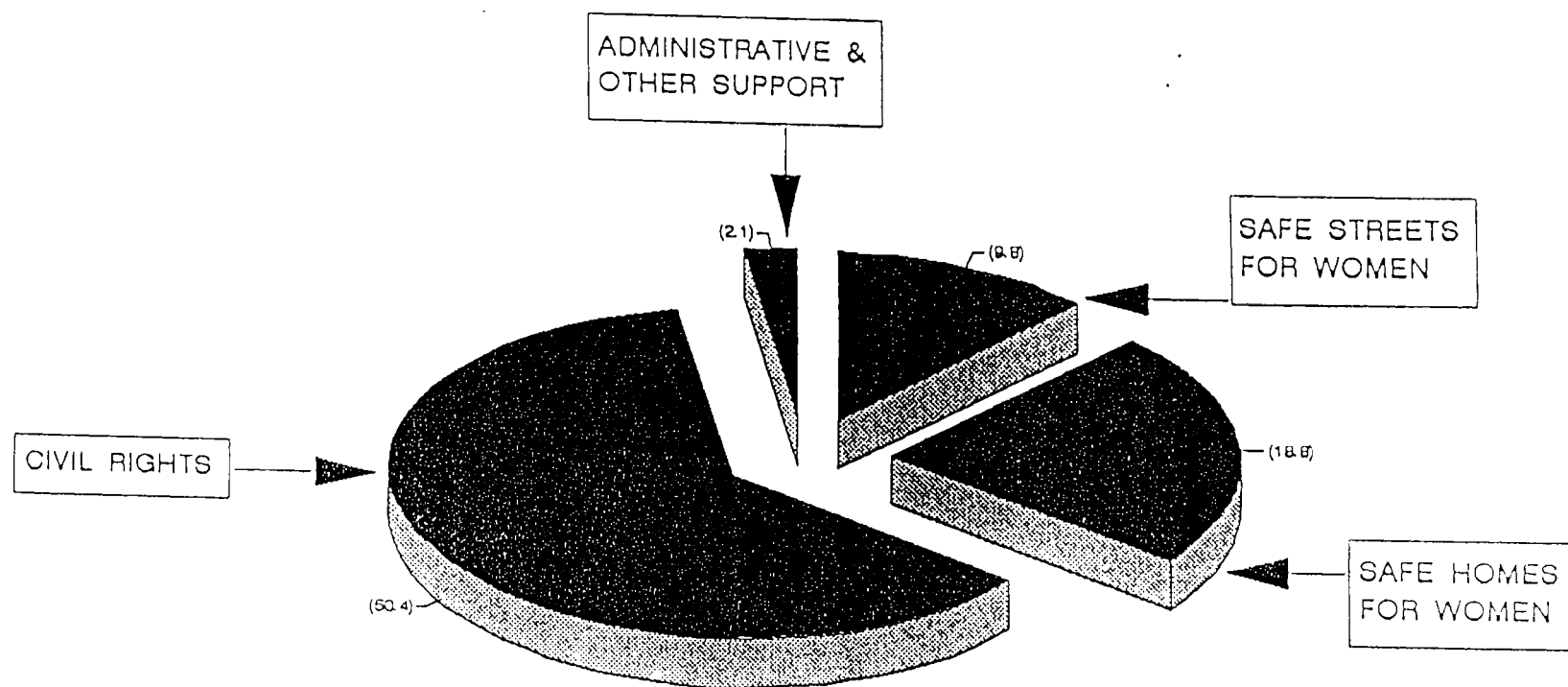
comprise 39 percent of all civil rights filings and almost 6 percent of all civil filings.

- At the high end of the range, if all 53,800 potential cases were to materialize as civil rights filings, this would represent a 254 percent increase in civil rights filings.

For the year ended June 30, 1991, there were 11,024 civil trials in Federal court, of which 1,648 were civil rights trials.

- As estimated 942 title III cases would proceed through trial, comprising 36 percent of all civil rights trials and 8 percent of all civil trials.

VIOLENCE AGAINST WOMEN ACT (H.R. 1502)



TOTAL COST - \$81.1 MILLION



Congressional Caucus for Women's Issues

VIOLENCE AGAINST WOMEN

May 1991

In recent years, American women have been the targeted victims of a rising tide of violence both in the streets and in their own homes. Police, hospital emergency rooms, rape crisis centers, and battered women's shelters have recorded an increasing incidence of rape, sexual assault and domestic violence against women in the United States. The violence cuts across race, class, age, and religious boundaries. The only similarity these victims have is their sex: they are all women.

- * Three out of four women will be victims of a violent crime during their lifetime. (Senate Judiciary Committee, 1990).
- * Since 1974, assaults against young women have risen 50%, while assaults against young men have dropped 12%. (National Crime Survey, 1989).

RAPE

Rape and sexual assault touch the lives of all American women. The high rate of rape makes rape a devastating fact of life for millions of women. Even those women who are not victims are affected much as travelers are affected by terrorist activities; all live with the fear of an attack, and the restriction in freedom such fear brings. Their anxiety is justified by hard statistics on the widespread and growing prevalence of violent sexual crimes.

- * One in three women will be a victim of rape during her lifetime. ("Sexual Assault is Everyone's Problem." D.C. Rape Crisis Center, 1990).
- * Every hour, 16 women confront rapists; every six minutes a woman is raped. (Uniform Crime Report, 1989; National Crime Survey, 1989).
- * Over the past decade, the rape rate has risen four times as fast as the total crime rate. (U.S. Crime Report, 1989).
- * A woman is 20 times more likely to be raped in the United States than in Japan; the U.S. rape rate is 13 times higher than Great Britain's and four times higher than Germany's. (U.S. Department of Justice, 1988).

Unlike other crimes, such as robbery, rape and other forms of sexual assault are crimes against women based on the fact that they are women. Eighty-nine percent of all sex crime victims over the age of 12 are women. ("Female Victims of Violent Crime", Table 13, U.S. Bureau of Justice, 1991).

In the past, rape was regarded merely as an act of sexuality. Later, experts refuted that argument and maintained that rape was an act of aggression where the perpetrator was motivated by a desire to dominate, control and degrade a victim. Today most people who work in the field of violent sexual crime assert that it is a combination of the two. One working definition of rape is the "sexual expression of aggression."

Rape and the Courts

Despite the high incidence of rape, few perpetrators are ever arrested, much less convicted.

- * Less than 40% of reported rapes result in arrest. (Senate Judiciary Committee, 1990).
- * Rape rates increased 5.3% from 1983-1988, while arrest rates for rape increased only 3%. (National Crime Survey, 1989).
- * The conviction rate for rape is only 3%, compared to the conviction rate for robbery, which is 18%. (U.S. Bureau of Justice, 1990).

Traditional perceptions of women and sexuality mean that many rape survivors are victims twice: once during the crime and again in the courts. The burden of proof placed on rape victims is exceptionally high. Rape victims are subject to demeaning examinations of their personal life, attire and previous sexual history in order to establish that they did not consent to the act. Rape victims often report feeling humiliated, accused and alienated from the very system that is supposed to help them.

Police, judges, juries, and defense and prosecuting attorneys alike are susceptible to traditional views of sexual activity and gender which obstruct justice for rape victims. The National Organization for Women's Legal Defense and Education Fund cites instances where judges dismissed rape cases because they found the defendant handsome or thought the victim "ended up enjoying [herself]." ("Statement to the Senate Judiciary Committee," June 20, 1990).

Other examples of mistreatment by criminal justice officials reveal that the very system that is supposed to help rape victims does just the opposite. One study found that in several cases the police officer who first reported to the scene of a rape actually took advantage of the victim's vulnerable situation to sexually assault her. ("Testimony Before the House Select Committee on Children, Youth and Families," Gail Wyatt, 1990).

The Effects of Rape

Although not all rape victims sustain serious physical injuries, for most, the experience of rape carries with it long-term psychological wounds.

- * One study found that victims of rape were 8.7 times as likely as non-victims to have attempted suicide and twice as likely to experience major depression. ("Testimony Before the House Select Committee on Children, Youth and Families," Dean Kilpatrick, Ph.D., 1990).
- * A National Institute on Drug Abuse survey estimated that one-third of all rape victims developed Post-Traumatic Stress Disorder. (Testimony of Dean Kilpatrick, 1990).
- * More than 40% of college women who have been raped carry the devastating psychological expectation of becoming rape victims again. (Senate Judiciary Committee, 1990).

The effect of these crimes against women extend to women who are not victims. Many of women's daily activities -- such as jogging in a park or walking alone at night -- are restricted due to the fear of an attack.

Over the past decade, the fear of contracting AIDS has increasingly become a major issue for rape survivors. In urban areas, a large number of assailants are intravenous drug users or prison parolees, causing many victims anxiety about possible exposure to AIDS. In one recent case, a convicted rapist was given a reduced sentence in exchange for taking an AIDS test. Some experts believe that accused rapists will take advantage of women's fear of AIDS in order to receive more lenient treatment.

Acquaintance Rape

There is a myth about rape in our society -- one in which a woman is pulled into the bushes by a complete stranger and brutally attacked. Although this is tragically true for some rape victims, the overwhelming majority of rapes are acquaintance rapes -- those committed by persons known to the victim before the crime.

- * 60% to 80% of rapes are date or acquaintance rape. (House Select Committee on Children, Youth and Families, 1990).
- * One study of college rape victims revealed that 10.6% were raped by strangers, 24.9% by non-romantic acquaintances, 21% by casual dates, 30% by steady dates and 8.9% by family members. (House Select Committee on Children, Youth and Families, 1990).
- * An estimated one in seven married women will be raped by their husbands. (House Select Committee on Children, Youth and Families, 1990).

Victims of acquaintance rape face a unique set of difficulties following their attack. One study found that acquaintance rape victims blame themselves more and rate themselves as less recovered than victims of stranger rape for up to three years after the rape. (House Select Committee on Children, Youth and Families, 1990). This self-blame, along with peer pressure, threats by the perpetrator, disbelief and shock, and -- in the case of rape by a family member -- feelings of family loyalty contribute to the low reporting rate for victims of acquaintance rape. The reporting rate for stranger rape is 34%, compared to 13% for acquaintance rape. (Kilpatrick, 1990). Many victims of acquaintance rape report the crime months or even years later, or not at all.

In the courts, acquaintance rape victims have a higher burden of proof and are more likely to have their private life scrutinized by the defense than victims of stranger rape. In general, convictions are much more difficult to obtain in the case of acquaintance rape.

Underreporting

The reporting rate for rape is very low. Only 34% of stranger rape and 13% of acquaintance rapes are reported to authorities compared to the reporting rates for robbery (53%), assault (46%) and burglary (52%). (Koss, Woodruff, Koss, 1990). In addition to posing a problem for statisticians attempting to assess the need for rape services, underreporting means that many rape victims are going without help and perpetrators are not being treated and punished.

Many women do not report a rape because they do not think that what happened could be considered a crime. Another major factor in the non-reporting of rape is distrust of the efficacy of the legal system -- either that the victim will not be believed or that nothing will be done in the courts. Other reasons for not reporting a rape include feelings of shame and embarrassment, fear for one's safety and concern over the reactions of others.

Those women who do report rapes often take a long time to do so. One rape crisis center reported that 28% of adult victims who reported the crime to the center did so within one week, while 68% of those who reported the crime to the center waited up to three years to make the report. (Anne Arundel County Sexual Assault Crisis Center, 1989). Victims who wait before reporting a rape are sometimes penalized by statutes of limitation and victim compensation programs that require victims to report soon after the crime to receive services.

DOMESTIC VIOLENCE

Domestic violence is defined as serious or repeated injury caused by a person who has family ties or a sexual relationship with the victim. Perpetrators use or threaten the use of physical or sexual assault to dominate, hurt, degrade and gain control over the victim. (Family Violence: An Overview, U.S. Department of Health and Human Services, 1991).

Public awareness concerning domestic violence has increased due to studies that prove violent behavior can be passed on from parents to children and with the recognition that legal, psychological, and emotional assistance for victims is minimal. More recently, national attention has focused on the plight of victims who fight back against perpetrators of domestic violence. Despite the increased public awareness, however, domestic violence continues to be widespread.

- * An estimated 3 to 4 million American women are battered each year by their husbands or partners. ("Wife Abuse in the Medical Setting," E. Stark, 1981).
- * Violence will occur at least once in two-thirds of all marriages. (The Abusive Partner, M. Stark, 1982).
- * In the United States, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than any other assailant. ("Resource Availability for Women at Risk," A. Browne and K.R. Williams, 1987).
- * 95% of the victims of domestic violence are women. ("Report to the Nation on Crime and Justice," Bureau of Justice Statistics, 1983). When males are victims of domestic violence, it is often the result of women attempting to protect themselves from male-initiated abuse. (Intimate Violence, R. Gelles and M. Straus, 1988).

Many people feel safest when they are in their home, but for victims of domestic violence, the home is often the most dangerous place of all. An estimated 2,000 to 4,000 women are beaten to death each year. While not all incidents are this severe, abuse often leaves women fearing for their lives.

- * Each year more than one million women seek medical assistance for injuries caused by battering. ("Medical Therapy as Repression," E. Stark and A. Filtcraft, 1982).
- * Research suggests that wife-beating results in more injuries that require medical treatment than rape, auto accidents, and muggings combined. ("Violence Among Intimates," E. Stark and A. Filtcraft, 1987).
- * Approximately 20% of all female emergency service patients are abused women. ("Medicine and Patriarchal Violence," E. Stark, 1979).

Because the severity of violence is so great, domestic violence victims must face not only the physical and emotional pain of abuse, but also the financial burden of medical and psychological treatment.

Moreover, domestic violence is rarely just an "isolated incident." Often there is a cycle of escalating violence in which attacks increase in frequency and intensity. Violent husbands and partners have learned that increasing the level of violence increases their domination and control over women.

- * The average battered woman is attacked three times each year. (Intimate Violence, R. Gelles and M. Straus, 1988).
- * During a six month time period following an incident of domestic violence, approximately 32% of the women were victimized again. ("National Crime Survey," 1983).
- * In 1986, 30% of female homicide victims were killed by their husbands or boyfriends. (Uniform Crime Reports, FBI, 1987); in contrast, 6% of male homicide victims are killed by their female partners. ("Crime in the United States," 1982).

The Justice System's Response

Domestic violence often goes unreported, in large part because the incident is seen as a private and personal issue (49%) or because of the fear of a reprisal or repeated attack by the assailant (12%). ("Preventing Domestic Violence Against Women," Bureau of Justice Statistics, 1986). However, when women do reach out for help, particularly from the criminal justice system, they frequently find that the system fails to offer the help they need. Research indicates that current laws concerning domestic violence are too lenient, creating the illusion that domestic violence is not a serious offense.

- * Arrest is the least frequently used response to domestic violence. In 1990, only 110 cities had domestic violence intervention programs requiring mandatory arrest. ("Testimony before Senate Labor and Human Resources Subcommittee on Children, Family, Drugs and Alcoholism," Police Chief Eli Miletich, 1990).
- * Approximately two-thirds of reported domestic violence incidents are classified as "simple assaults," which is a misdemeanor. But as many as 50% of these "simple assaults" were as serious or more serious than 90% of all rapes, robberies, and aggravated assaults in terms of physical injury. ("Preventing Domestic Violence Against Women," 1986).
- * A Police Foundation study conducted in Detroit and Kansas City found that in 85% to 90% of domestic homicides, police had been called at least once in the two years preceding the murder; in more than half of these cases, they had been called five times or more. ("Understanding Domestic Violence," National Woman Abuse Prevention Project, 1988).

Even when arrests are made, the rate of conviction in domestic violence cases remains low. This low rate can be tied in part to the actions of prosecutors who frequently discourage victims from going forward with cases, place low priority on domestic violence cases, fail to consider the safety of the victim when releasing offenders, and go as far as dismissing domestic violence misdemeanor cases. ("Understanding Domestic Violence," 1988).

The criminal justice system is not the only source that fails domestic violence victims. Many women in violent relationships unsuccessfully try to stop the violence by seeking assistance from sources

including lawyers, health care personnel, family members, and the clergy. A study of more than 6,000 battered women in Texas found that, on average, women had contacted five different sources of help prior to leaving the home and becoming residents of battered women's shelters. ("Understanding Domestic Violence," 1988).

Leaving Violent Relationships

The lack of assistance for battered women reflects the common misconception concerning who carries the blame for domestic violence. The first question many people ask when they hear of incidents of domestic violence is, "Why does she stay," in effect blaming the woman for tolerating the violent relationship. Not only does this question remove the blame from the abuser, it ignores the reality most battered women face.

Over 50% of women leave abusive relationships; however, the decision to leave an abusive relationship is not simple. Battered women who leave their homes are frequently threatened by increased violence or even death. Women who leave must also face loss of their shelter and much of their income. Abused mothers have special concerns for their children because in choosing to leave, they risk increased violence against their children or the possibility of losing custody of their children.

- * Only ten states and the District of Columbia have laws requiring that evidence of spouse abuse create a presumption that children should not be placed in the custody of an abusive parent. Even though experts agree that spouse abuse is one of the leading indicators of child abuse and neglect, many abusive spouses continue to receive custody of the children. ("Testimony to the House Subcommittee on Administrative Law and Governmental Relations," Evan Stark, Ph.D, 1990).
- * In 1987, 375,000 women and children were served by shelters and safe-houses. While significant, this number represents only a fraction of those seeking help. Due to lack of space, shelters turn away nearly 40% of all those who need help. (National Coalition Against Domestic Violence, 1988).
- * In the first year after divorce, a woman's standard of living drops by 73%, while a man's improves an average of 42%. ("Understanding Domestic Violence," 1988).
- * Only 58% of custodial mothers are awarded child support. And of these, barely one half receive the full amount; one quarter receive a partial amount; and one quarter receive none of the required payment. ("Understanding Domestic Violence," 1988).

Public Awareness and Assistance

In the mid-70's, programs to help women escape from abusive environments began to appear. Today, there are over 1400 battered women's hotlines, shelters and safe-homes nationwide that provide women with a safe environment allowing them to make decisions about their future. With these programs, women are given the opportunity to speak openly about their problems and to discover that there is a commonality of experience among battered women.

Today, when women feel that they have so little recourse from other community and civil sources, special programs such as shelters are a necessity. Not only do they provide crisis intervention services, including legal, economic, housing and medical advocacy, the shelters also provide education to the

community and training for law enforcement officers and other professionals dealing with domestic violence. Unfortunately, the shelter and safe-house programs are greatly underfunded.

- * Over one half of all counties in the United States have no battered women's programs. ("Testimony before the Senate Subcommittee on Children, Families, Drugs, and Alcoholism," Jann Jackson, 1990).
- * There are nearly three times as many animal shelters in the United States as there are battered women shelters (Senate Judiciary Committee, 1990).

Currently the federal government spends only \$10.74 million to assist states in prevention of domestic violence and the protection of abuse victims. Although between the years 1983 and 1987, the number of women served by shelters and safe-houses increased 100% and the number of children served increased by 60%, approximately 250,000 women are turned away each year.

Battered Women Who Kill

The persistent misconceptions about domestic violence and the difficulty in leaving abusive relationships also harm women who strike back against batterers. Women who assault or kill abusive partners often believe their lives or the lives of their children are in immediate danger; they are acting in self-defense. Judges and juries generally disagree, however, often holding onto the erroneous belief that battered women have ample opportunities to leave their homes and their battering partners. This misconception may lead judges and juries to believe that the women are willing participants in the violent relationship. (Justifiable Homicide: Battered Women, Self-Defence and the Law, Dorothy Gillespie, 1989).

Until recently, many courts have refused to admit evidence of spouse abuse in domestic violence cases, despite the fact that it may help a jury understand the complex psychological, physical, and societal factors that went into a battered woman's belief that her life was in danger. In response to pleas from Members of Congress, women's organizations, and incarcerated battered women whose cases were judged without allowing evidence of the effect of severe abuse, governors in both Ohio and Maryland have released several women who killed their abusive partners. ("Ohio Gov. Celeste Grants Clemency to 25 Female Inmates," Washington Post, Dec. 22, 1990; "Schaefer Swayed by Activists," Washington Post, Feb. 22, 1991). Although some states are moving to pass legislation that would allow battered women more flexibility in presenting their cases as self-defense, most states continue to allow judges to exclude evidence of domestic violence.

EXISTING FEDERAL PROGRAMS ON VIOLENCE AGAINST WOMEN

Federal programs to address violent crimes against women have been extremely limited, both in scope and funding. As with most crimes, rape and domestic violence fall primarily under the purview of states and localities. However, the federal government has only a few, small programs to assist states in helping female violence victims.

Family Violence Prevention and Services Act

The Family Violence Prevention and Services Act of 1984, administered by the Department of Health and Human Services, provides grants to states to establish, maintain and expand shelters, child care

programs, counseling and related services to domestic violence victims and their dependents. The law also allocates funds for training and technical assistance to law enforcement agencies, authorizes a National Clearinghouse on Family Violence Prevention, and provides grants for family violence research and other related activities. Eighty-five percent of the money is used for state-run domestic violence programs, 60% of which is earmarked for immediate shelter-related assistance.

In fiscal year 1991, Congress appropriated \$10.74 million for the program, up from \$8.27 million in FY 1990. Despite the growing concern over the inadequacy of current federal funds for domestic violence programs, the President's budget for FY 1992 requested that funding remain at \$10.74 million.

Victims of Crime Act (VOCA)

The Victims of Crime Act of 1984 (VOCA) authorizes annual grants to states from a crime victims' fund to compensate and to assist victims. The fund is made up of fines collected from persons convicted of certain federal offenses. However, spending under the bill is limited by law to \$125 million in FY 1991 and \$150 million in FY 1992.

Priority in the awarding of crime victim assistance grants is given to programs serving victims of domestic violence, sexual assault, and child abuse. This language was included in the law to acknowledge the special needs of these victim populations.

VOCA authorizes four programs to assist crime victims. The first provides funds to crime victim assistance programs, including rape crisis programs and battered women's shelters, as well as law enforcement-based crisis intervention. Just over 44% of VOCA funds go to these programs.

The second initiative, the crime victims' compensation program, provides individual compensation, such as reimbursement for mental health counseling, medical expenses, lost wages, or funeral expenses. In fiscal year 1991, about \$56.6 million of the \$125 million can be used for the crime victims' compensation program. The federal government reimburses states for up to 40% of what they spend on crime victim compensation programs.

The two other programs authorized under this law are considerably smaller. One provides funds to assist victims of crimes committed on federal property, such as prisons, while the other assists child abuse and child sexual abuse programs through the Children's Justice Act.

The VOCA funded programs are significant since prior to the enactment of VOCA, sex crime victims had no recourse but to pay their own medical and mental health counseling expenses. With VOCA, these funds represent a new resource for victims who might not otherwise have funds to seek needed services. (U.S. Department of Justice, 1990).

Office For Victims of Crime

The Office for Victims of Crime (OVC), established by the Justice Department in 1983, has supported training programs for law enforcement officers, prosecutors, the clergy, medical, mental health and victim assistance professionals -- all of whom come into contact with victims of crime.

Among the office's programs are sexual assault and abuse programs, whose activities have included the development of a model sexual assault medical examination protocol standardizing procedures for

hospital personnel in the examination, collection and preservation of physical evidence from victims of sexual assault. The demonstration project has been duplicated in 14 states.

In addition, the OVC joined with the Bureau of Justice Assistance to support a sexual assault prevention training program in which the 50 state leaders of the General Federation of Women's Clubs received training from the FBI on sexual assault, response to victims and prevention. (U.S. Department of Justice, June 1990).

The Omnibus Crime Control Act of 1990

As part of the Omnibus Crime Control Act of 1990, Congress requires all colleges and universities receiving funds to disclose to students the institution's campus crime statistics on an annual basis. Starting in September 1992, colleges and universities must report the number of serious crimes, including rape, murder, and robbery, involving students on or near campus.

Congress included a provision, to be enacted within two years, which may require states receiving Drug Control and System Improvement Formula Grants to require convicted sex offenders to undergo AIDS testing at the request of their victims. The provision also requires states to provide counseling for sexual assault victims.

Immigration Reform for Battered Spouses

On October 27, 1990, Congress approved as part of the Immigration Act of 1990 a provision initially introduced by Rep. Louise Slaughter to waive the two-year period of "conditional" residency for foreigners in abusive marriages with American citizens. Foreign nationals who are married to American citizens are required to remain married to their spouses for two years before being granted residency status. Until the enactment of this legislation, those foreigners in abusive marriages were unable to leave without the risk of deportation.

Sense of Congress Resolution on Domestic Violence

In October 1990, Congress passed a resolution introduced by Rep. Constance Morella expressing the sense of Congress that evidence of spouse abuse should create a statutory presumption that it is detrimental to the child to be placed in the custody of the abusive parent. Only 10 states and the District of Columbia have such laws. While the congressional resolution does not require states to enact similar laws, it may encourage them to do so.

Other Programs

Other federal assistance is available in smaller amounts through such programs as the Social Services Block Grant, which distributes grants to states to provide an array of social services, including domestic violence counseling, and the Community Services Block Grant, which funds state anti-poverty programs. The Legal Services Corporation also provides assistance to victims of domestic violence through its National Center for Women and Family Law.

CURRENT LEGISLATION

Violence Against Women Act of 1991 (H.R. 1502/S. 15)

The Violence Against Women Act of 1991 (H.R. 1502/S. 15), introduced by Rep. Barbara Boxer and Sen. Joseph Biden, has five broad goals: to make the streets safe for women, to create safe homes for women, to extend civil rights protection to victims of gender-motivated crimes, to ensure women's safety on college campuses, and to educate judges and prosecutors on violence against women. The bill would also create a commission to develop a national strategy for combatting violence against women. This bill, if passed, would be the first to deal with violence against women in a comprehensive manner at the federal level.

H.R. 1502/S. 15 attempts to curb violence against women by authorizing funds for better law enforcement and increased lighting in areas where women are most endangered. The bill would also require and expand victim restitution in sex crime cases.

In the area of domestic violence, the bill would create interstate enforcement of state protective orders for battered women, triple funding for battered women's shelters, and provide federal grants to encourage states to employ mandatory arrest procedures against abusive spouses and partners.

Under the legislation, sex crimes would be designated as "hate" crimes that deprive victims of their civil rights. H.R. 1502/S. 15 would extend to victims of gender-motivated assaults the same right to sue for compensatory and punitive damages as is already granted to minorities for crimes based on race.

Endeavoring to ensure safe campuses for women, H.R. 1502/S. 15 would authorize funds for rape prevention programs and services at the neediest colleges. Campus security would be strengthened by requiring that colleges report all forms of sexual assault. Grantee colleges would be required to include sexual assault as a violation of student disciplinary codes and to inform rape victims of disciplinary action taken against their attackers.

H.R. 1502/S. 15 attempts to improve the treatment of female crime victims in the criminal justice system by providing grants to train the police and prosecutors in handling crimes against women, as well as to establish special units of prosecutors, police, and victim advocates for sex-based assault and domestic violence cases.

The two bills differ in that S. 15 would increase federal penalties for sex offenders, while H.R. 1502 requires mandatory treatment for federal sex offenders. In addition, S. 15 has a provision to create school-based programs to teach children about domestic violence and would require states to establish commissions to study domestic violence. S. 15 would also authorize a national media campaign against such violence.

H.R. 1502, however, authorizes \$70 million for rape prevention and education while the Senate bill authorizes \$65 million.

The Domestic Violence Housing Act (H.R. 1251)

The Domestic Violence Housing Act, introduced by Reps. Constance Morella and George Miller, would create a federal preference for homeless families that have been subjected to domestic violence. Through government Section 8 rent certificates and vouchers, five million dollars would be allocated to specifically serve homeless families displaced by domestic violence. In addition, this bill would enable

these families to share housing, if they desired to do so, allowing eligible families to pool their resources in order to meet their housing needs.

The Battered Women's Testimony Act of 1991 (H.R. 1252)

The Battered Women's Testimony Act of 1991, introduced by Reps. Constance Morella and George Miller, would authorize \$600,000 to assist indigent battered women defendants in receiving the benefit of expert testimony on the effects of domestic violence.

House Concurrent Resolution on Expert Testimony and Battered Women (H. Con. Res. 89)

H. Con. Res. 89, introduced by Reps. Constance Morella and George Miller, would express the sense of Congress that the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissible when offered in a State court by a defendant in a criminal case.

The Judicial Training Act (H.R. 1253)

Reps. Constance Morella and George Miller introduced the Judicial Training Act, which would authorize \$600,000 to investigate state judicial decisions relating to child custody litigation involving domestic violence and to develop training programs to better educate state judges about child custody litigation involving domestic violence.

CRS Report for Congress

Family Violence: Background, Issues, and the State and Federal Response

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April 10, 1992



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FAMILY VIOLENCE: BACKGROUND, ISSUES AND THE STATE AND FEDERAL RESPONSE

SUMMARY

Family violence refers to various forms of violence among family members including--child abuse, spouse abuse, and elder abuse. State and local governments have primary responsibility for addressing these problems and providing funding. State and local laws differ greatly in regard to definitions, penalties, and reporting requirements, among other categories for each form of family violence.

The two primary Federal Acts that specifically address child abuse and spouse abuse are the Child Abuse and Family Violence Acts. The Older Americans Act authorizes the only program specifically targeted to elder abuse. All three of these Acts expired in FY 1991, and Congress is expected to reauthorize these programs in the 102nd Congress. For FY 1992 over \$84 million was specifically appropriated for the above Acts, and the elder abuse program. However, far more money is available to address these problems through Federal programs that fund a wider range of services. These larger programs generally do not have stringent reporting requirements and therefore it is unclear to what extent their funds are used to address these problems. Programs include the Child Welfare Services program and the Social Services Block Grant authorized under the Social Security Act, and the Victims of Crime Act, among others.

Each of these problems has specific issues that policymakers are debating in the early 1990s. Within the area of child abuse and neglect, issues include: recruiting and retaining competent social workers; addressing substance abuse in client families; and emphasizing and funding more prevention efforts. An issue of importance in elder abuse is the merit of implementing mandatory versus voluntary reporting systems. The spouse abuse community is currently grappling with providing additional support services to victims; finding the best way to restrain perpetrators; and addressing the issue of battered women in prisons. Coordination of services within and across these various types of family violence is also an issue, at the local, State and Federal levels. Coordination is especially an issue since more emphasis is being placed on the relationship among these various forms of violence. That is, one type of violence can contribute to the occurrence of another in the same generation or subsequent generations, and a family can experience several types of violence at one time.

In general, anecdotal and official reports of child abuse and elder abuse have increased in the past decade. Disagreement on definitions of these types of violence contributes to difficulty in collecting data. Data on child and elder abuse are based on reported cases, with all States having mandatory reporting systems for child abuse, and most having such systems for elder abuse. Data on spouse abuse are usually based on national or local surveys. In 1991, 2.7 million children were reported as victims of child abuse and neglect. An estimated 1.5 million elderly were victims of elder abuse in 1988. A 1985 study estimated that more than 6 million women are victims of some degree of spouse abuse each year. Many observers agree that incidents of all types of family violence are underreported; therefore the above data on abuse may be undercounts.

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FAMILY VIOLENCE: BACKGROUND, ISSUES AND THE STATE AND FEDERAL RESPONSE

INTRODUCTION

Family violence is a broad term that describes various forms of violence between family members including child abuse, spouse abuse, elder abuse, and abuse between siblings.¹ Although these forms of violence have been documented as occurring for decades, public awareness of the various types of family violence has originated at different times. Of the various forms of violence, child abuse has received the most public attention. Although it has been documented for centuries, it was defined as a problem most recently in the early 1960s by doctors and researchers. The medical and legal professions, as well as child welfare professionals, have been most effective in creating awareness of this issue.

Spouse abuse began receiving public attention in the early 1970s. Coalitions consisting of women's movement advocates, former abused spouses, and community activists were instrumental in publicizing the problems associated with spouse abuse. Since the 1970s, there has been increased publicity about this problem, with most States offering greater assistance to victims. Moreover, States in the 1980s, began to treat spouse abuse as a criminal offense with many implementing laws requiring police to arrest or effectively restrain perpetrators in some other way.

Elder abuse is the most recent form of family violence to receive public attention. In the late 1970s, congressional hearings first brought attention to this problem. Similar to child abuse, health and social service professionals have been at the forefront of publicizing this problem.

The Federal Government plays less of a role in these matters than State and local governments.² Federal programs addressing issues of child abuse began in the 1970s, programs for spouse abuse in the mid-1980s and for elder abuse in the late 1980s. The major Federal statutes include the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act and the Older Americans Act. However, far more money is available to address

¹The terms "domestic violence" and "spouse abuse," as well as "violence" and "abuse" are used interchangeably in this report unless otherwise noted.

²For a discussion on the authority of Congress to legislate on domestic relations areas (including child abuse and family violence) see: U.S. Library of Congress. Congressional Research Service. *Family Law: Authority of Congress to Legislate on Domestic Relations Questions*. CRS Report for Congress No. 89-152 A, by Rita Ann Reimer and Lou Fields. Washington, revised Nov. 1, 1988.

these problems through Federal programs that fund a wider range of services. These larger programs generally do not have stringent reporting requirements and therefore it is unclear to what extent their funds are used to address these problems. There are also several programs that address specific problems related to family violence. Many of the above Acts are scheduled for reauthorization during the 102d Congress.³

With the "discovery" of various forms of family violence, more research into the causes and effects of these forms of abuse and data collection has occurred. Generally, over the past decade official and anecdotal reports of most types of family violence have increased. In the late 1980s and 1990s, researchers have paid more attention to the relationship among the various forms of family violence. That is, these types of violence do not always occur independently of each other. Some researchers point to a "cycle of violence" in which one type of violence can predict the occurrence of that same type of violence or another in the next generation.⁴

For example, witnessing parental violence during childhood is a strong risk factor for abusing a spouse as an adult.⁵ The amount of physical punishment experienced as a child is positively associated with the rate of abusive violence to one's own children.⁶ Further, in a given household, often more than one type of violence can be occurring simultaneously. According to one study, in 54 percent of households where child abuse occurred, the wife was also being abused.⁷ Researchers also point out that many who are abused as children or adults do *not* become abusive, and efforts are underway to ascertain what exactly differentiates the two groups.

³For more information of the reauthorization of these Acts see the following: U.S. Library of Congress. Congressional Research Service. *Child Abuse Act and Related Programs: Reauthorization Issues*, Issue Brief No. IB91027, by Dale Robinson. Washington, 1991. (Updated regularly.) Also, *Older Americans Act: Reauthorization and FY 1993 Budget Issues*, Issue Brief No. IB91002 By Carol O'Shaughnessy. Washington, 1991. (Updated regularly.)

⁴Finkelhor, David, Gerald Hotaling and Kersti Yllo. *Stopping Family Violence: Research Priorities for the Coming Decade*. New York, Sage Publications, 1988. p. 24-27.

⁵Hotaling, G., and D. Sugarman. An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge. *Violence and Victims*, v. 1, no. 2, 1986. p. 101-124.

⁶Straus, M., R. Gelles and S. Steinmetz. *Behind Closed Doors: Violence in the American Family*. Garden City, NJ, Doubleday, 1980. p. 57; and Ammerman, Robert and Michel Hersen, eds. *Children at Risk: An Evaluation of Factors Contributing to Child Abuse and Neglect*. Plenum Press, 1990. p. 135-138.

⁷McKibben, L., E. DeVos and E. Newberger. Victimization of Mothers of Abused Children: A Controlled Study. *Pediatrics*, no. 84, 1989. p. 531-535.

The physical consequences of family violence are dramatic, leading some researchers to state that people are more susceptible to violence from a relative than from strangers. According to Federal Bureau of Investigation (FBI) Uniform Crime Statistics for 1990, approximately 14 percent of all homicides were committed by family members. A total of 632 children were killed by parents, 327 parents by children, 280 siblings by siblings, and 1,499 spouses by spouses.⁸

Although each form of family violence is reported to and handled by a particular social service system (e.g., child protective services for abused children) the victims of these forms of violence often end up as clients of other service systems. For example, child abuse victims often end up in foster care or the mental health or juvenile justice systems. Specifically, of the children who entered substitute care in 1987 (includes foster care and other temporary care), approximately 71 percent did so because of the need for protective services from child abuse or because their parent was unable or unavailable to care for them.⁹ One study of 14 juveniles sentenced to death (out of a total of 37 juveniles sentenced to death in the U.S. in 1988) found that the majority had been physically abused as children.¹⁰ And virtually all those who suffer from multiple personalities, a rare but severe psychiatric disorder, reportedly have a history of being severely abused.¹¹

Spouse abuse victims often need medical or mental health services, which some advocates consider to be the weakest link among resources available to such victims. Consequently, many advocates and policymakers believe that providing funds to help prevent violence can not only protect victims from further harm, but can also lessen the burden on public systems that may end up serving these victims.

Each form of family violence has issues specific to it that policymakers and advocates are debating in the early 1990s. In child abuse and neglect, issues include: recruiting and retaining competent social workers; addressing substance abuse in client families; and emphasizing and funding more prevention efforts. An issue of importance in elder abuse is the merit of implementing mandatory versus voluntary reporting systems. The spouse abuse community is currently grappling with providing support services to victims in addition to shelters;

⁸U.S. Department of Justice. Federal Bureau of Investigations. 1990 *Uniform Crime Reports*. p. 13.

⁹American Public Welfare Association. *Voluntary Cooperative Information System*, 1987. This percentage based on 19 States reporting.

¹⁰Lewis, Dorothy Otnow, et al. Neuropsychiatric, Psychoeducational, and Family Characteristics of 14 Juveniles Condemned to Death in the United States. *American Journal of Psychiatry*, v. 145, no. 5, May 1988. p. 1.

¹¹Gloeman, Daniel. Sad Legacy of Abuse: The Search for Remedies. *New York Times*, Jan. 24, 1989. p. C1.

finding the best way to restrain perpetrators; and addressing the issue of battered women in prisons.

One issue common to all of these problems is the need for coordination of services. Given the fact that victims often end up in several systems or that in a given household several forms of violence may be occurring, professionals from various systems need to communicate with one another, and programs may need to be coordinated. Unfortunately, professionals who work with these victims do not always communicate. For example, child abuse and spouse abuse professionals often do not talk to one another when handling the same family.¹² Some communities are trying to remedy this coordination problem through joint training sessions or providing single settings where a family can receive an array of services provided by various professionals.¹³

This report presents information on the varying definitions and reports of family violence, and discusses the State and local responses to these forms of violence. It also discusses pertinent issues within each form of family violence and discusses the Federal response to these problems.

CHILD ABUSE

Background

Incidence

The number of reported cases of child abuse and neglect has more than doubled in the past decade. Between 1976 and 1987, the American Association for Protecting Children (AAPC), a division of the American Humane Association (AHA), was funded by the Department of Health and Human Services (DHHS) to collect data and provide analyses on reports of child abuse and neglect. In 1987, however, DHHS ceased funding this activity in favor of a new data collection system, which will not be fully operational until 1992. Consequently, 1987 is the last year for which detailed analyses of national child abuse and neglect data are available. DHHS has also funded two national incidence studies on child abuse and neglect published in 1982 and 1988, and conducted by the consulting firm, WESTAT, Inc.

In addition to the above sets of data, since 1982, the National Committee for the Prevention of Child Abuse (NCPA) has conducted an annual 50-State survey to monitor trends in child abuse and neglect reports. These surveys,

¹²Fagan, Jeffrey. Contributions of Research to Criminal Justice Policy on Wife Assault. *Family Violence Research and Public Policy Issues*, Douglas Besharov, ed. Washington, AEI Press, 1990. p. 57.

¹³Cummings, Nina and Andrea Mooney. Child Protective Workers and Battered Women's Advocates: A Strategy for Family Violence Intervention. *Response, The Journal of the Center for Women Policy Studies*, v. 11, no. 2, 1988. p. 4-9.

however, are limited in scope compared with the data formerly collected by the AAPC.

According to the AAPC:

- reports of child abuse grew dramatically from 670,000 in 1976 to 2.2 million in 1987;
- reports of sexual abuse also grew from 6,000 in 1976 to 132,000 in 1986 (the last year for which AAPC sexual abuse data are available);

The NCPA estimates that in 1991:

- 2.7 million children were reported for abuse and neglect;
- almost 4 children per day (1,383 in total) died as a result of child abuse and neglect.

It is not clear whether the actual incidence of child abuse has increased over the years or there is only more reporting. However, it is generally believed that the above numbers do not represent the total amount of abuse and neglect that occurs, since many incidents are believed not to be reported. In addition, of the abuse that is reported not all of these cases are substantiated. Depending on the source, approximately 40-55 percent of reported cases of child abuse and neglect are eventually substantiated.

Child welfare professionals disagree on the definition of substantiation and methods for calculating it. A number of States conclude that unsubstantiated cases are those in which no abuse or neglect occurred, while others conclude that abuse and neglect may have occurred but not enough evidence was found to prove it. In fact some States such as Missouri, separate unsubstantiated cases into two categories: unconfirmed and reason to suspect. Reason to suspect cases include instances where the abuse or neglect cannot be proven for various reasons.¹⁴ Some States calculate substantiation using figures on all reports of abuse and neglect, while others compute their figure after first discounting inappropriate or incomplete reports. Often children are reported as victims of child abuse or neglect more than once, so duplicate reports end up in some States' calculations of substantiated reports. Generally, a State's method of screening out reports can greatly affect its substantiation calculations.

Coordinating data on child abuse and neglect is also difficult because States have different definitions of what constitutes abuse and neglect. For example, neglect in one State may constitute leaving a 7 year old child alone for 5 hours,

¹⁴National Committee for the Prevention of Child Abuse. *Current Trends in Child Abuse Reporting and Fatalities: The Result of the 1991 Annual Fifty State Survey*, Apr. 1992. p.7-8. (Hereafter cited as NCPA, *Current Trends in Child Abuse Reports and Fatalities*.)

but in another State neglect may involve leaving a 7 year old child alone for only 2 hours.

Characteristics of Reported Incidents

Child maltreatment occurs in many forms--physical, emotional and sexual abuse as well as emotional, physical, and educational neglect. Of the various forms of family violence, child abuse has received the most attention from the media, and State and Federal policymakers.

Almost 50 percent of reported cases of maltreatment are actually incidents of neglect. Table 1 summarizes the 1991 child abuse and neglect cases (reported and substantiated) by type of maltreatment. Data are reported by the National Committee for the Prevention of Child Abuse (NCPCA), a nonprofit organization based in Chicago, and are based on reports from 21 States that utilize a comparable classification system.¹⁵ States reported that these numbers have remained relatively constant over the past few years. Despite media accounts, in 1991 less than 1 percent of all reported cases of child maltreatment occurred in day care or foster care.¹⁶

TABLE 1. Types of Cases of Child Abuse and Neglect, 1991

Type	Percent
Physical	25
Sexual	15
Emotional	6
Neglect ^a	48
Other	10

^aData are not generally reported on individual types of neglect.

Source: NCPCA, 1992

The factors which contribute to child abuse and neglect are varied and complex. Child abuse occurs at all levels of society and is not limited to any racial, ethnic or socioeconomic group. The U.S. Advisory Board on Child Abuse and Neglect mentions several factors that are routinely associated with child abuse and neglect in its 1990 report, *Child Abuse and Neglect: Critical First Steps in Response to a National Emergency*. These factors include poverty, ethnicity, neighborhood dysfunction, mental health problems, substance abuse,

¹⁵NCPCA, *Current Trends in Child Abuse Reporting and Fatalities*, p. 12.

¹⁶These data based on 26 States reporting that keep this statistic.

and the presence of children with special needs.¹⁷ In fact, almost two thirds of the respondents to a 1992 NCPA State survey cited substance abuse as one of the two most pervasive problems in their caseloads.¹⁸

The Study of National Incidence and Prevalence of Child Abuse and Neglect, published in 1988, found that family income and family size were significant risk factors for child maltreatment. Child maltreatment was 7 times more likely in families with incomes of under \$15,000 than in families with higher incomes. This study was conducted by Westat, Inc. for DHHS.¹⁹

According to AHA, suspected abuse and neglect cases are reported somewhat more often by professionals than by friends, relatives, and neighbors. Table 2 shows the sources who reported incidents of abuse and/or neglect. Reports of suspected abuse and neglect are made increasingly by professionals who are required to do so by law. Between 1981 and 1984 professional sources increased from 46 percent to 54 percent of all sources of reports.²⁰ According to the AHA, these increases are associated with school and law enforcement personnel, and may be due to the increasing levels of sexual abuse reporting.

¹⁷U.S. Advisory Board on Child Abuse and Neglect. *Child Abuse and Neglect: Critical First Steps in Response to a National Emergency*. Aug. 1990. p. 17-20.

¹⁸NCPA, *Current Trends in Child Abuse Reporting and Fatalities*, p. 5.

¹⁹U.S. Dept. of Health and Human Services. *The Study of National Incidence and Prevalence of Child Abuse and Neglect*. WESTAT, Inc., 1988.

²⁰American Association for Protecting Children. *Highlights of Official Child Neglect and Abuse Reporting: 1986*. p. 17.

TABLE 2. Sources of Reports of Child Maltreatment, 1986

Source	Percent
Professional	
School personnel	16.3
Law enforcement	13.0
Social services	11.4
Medical personnel	11.2
Child care providers	2.1
Non-Professional	
Friends, neighbors, relatives, self	34.3
Anonymous	9.4
Other	2.3

Source: American Humane Association, 1986

The majority of perpetrators of child abuse are related to the child victim in some way. However, the nature of the relationship changes depending on the type of abuse. In physical abuse cases the majority of perpetrators are parents, but in sexual abuse cases the perpetrators more often are other relatives or unrelated persons. The average age and gender of the child victim also differs depending on the type of abuse. Sexual abuse victims are much more often female. Table 3 shows the relationship of perpetrators of child abuse and neglect, and the gender and average age of child victims for 1986, when 2.1 million children were reported for abuse and neglect.²¹

²¹Ibid., p. 30-33.

**TABLE 3. Child Abuse and Neglect:
Perpetrators, and Gender and Average Age of Victims, 1986**

	Physical abuse	Sexual abuse	Neglect
Perpetrator			
Parent	82%	42%	92%
Other Relative	5%	23%	3%
Unrelated	13 %	35 %	5 %
Gender of child			
Female	51%	77%	49%
Male	49%	23%	51%
Average age of child	8	9	6

Source: American Humane Association, 1986

State and Local Responses

By 1968, all States had implemented legislation requiring physicians to report incidents of serious physical injury as potential child abuse. In 1974, the Federal Government passed legislation requiring all States to have mandatory reporting systems for several categories of professionals and for all kinds of abuse and neglect. States differ in who is required to report but most include teachers, doctors, child care workers, and law enforcement personnel, among others. About 20 States *require* all citizens to report, but in all States any citizen is *allowed* to report. Depending on State law, failure to report can result in civil or criminal penalties.²²

In the 1960s all States also implemented child protective service (CPS) systems to handle reports of child abuse, and provide the child victim and his/her family with services or, if necessary, remove the child from the home. The structure of CPS systems differ across States. Generally the State or county has a designated time period by which social service workers must initiate an investigation of reports of abuse (usually 24 hours). After surveying the situation, the social worker decides if the allegations are worthy of further investigation. If so, the social worker may remove the child from the home or provide the family with services in home. The courts must approve the removal of a child from the home.

²²Besharov, Douglas. *Recognizing Child Abuse: A Guide for the Concerned*. New York, The Free Press, 1990. p. 9. (Hereafter cited as *Besharov, Recognizing Child Abuse*.)

In their 1992 report, the NCPA polled States as to how many families received services after a child abuse or neglect case had been substantiated by CPS. The NCPA reports that in 1991 in an average of 63 percent of substantiated cases, families ultimately received some type of service from State CPS agencies.²³ This figure has decreased from an average of 78 percent in 1990.

Various programs have been designed to help prevent child abuse and neglect or treat victims and perpetrators. Examples include hotlines for reporting abuse and neglect, public awareness campaigns, and developing statewide prevention plans. Many communities sponsor educational programs on parenting, child development, basic child care, coping with family stress, and sexual abuse prevention. Other examples are classes to teach children how to detect abuse and report it, respite care, and peer support groups for abusive or potentially abusive parents.²⁴ Often States and local governments will sponsor training seminars for various professionals to recognize abuse and neglect in certain populations such as pregnant women, non-English speaking populations, or rural families.

Issues in Addressing Child Abuse and Neglect

The current child protective service system is being overwhelmed by the problems presented by today's families. Problems such as homelessness, teenage pregnancy, drugs and alcohol, and poverty are causing the child protective service system to become the system to which families report a variety of problems outside of abuse and neglect.²⁵ In fact, CPS has been forced to broaden its role from that of providing services to children in serious physical danger to an all-encompassing child welfare service. As one researcher states, "People know that a report of possible maltreatment will result in action."²⁶ In the early 1990s, in addition to the general state of child protective service agencies, three specific aspects of child abuse and neglect are being discussed among the child welfare community: staffing, substance abuse, and prevention efforts.

²³These data based on estimates from 21 States.

²⁴U.S. General Accounting Office (GAO). *Child Abuse Prevention: Status of the Challenge Grant Program*. May 1991. p.11. (Hereafter cited as *GAO, Child Abuse Prevention*.)

²⁵Nonabuse related reports include: truancy, delinquency, and other school related problems; parent-child conflicts with no abuse or neglect; and problems involving unemployment or inadequate housing.

²⁶Besharov, *Recognizing Child Abuse*, p. 11.

Staffing

Recruitment and retention of child welfare staff is cited as a major problem in the child welfare community. According to the American Public Welfare Association (APWA), almost 90 percent of States report having difficulty in recruiting staff for frontline child welfare positions, and the average tenure of child welfare workers is less than 2 years. Staff who leave often move into supervisory positions or into private agencies. Reasons for this include the stress of dealing with multi-problem families, high caseloads, low salaries, inadequate training, and superficial educational requirements. In their 1990 report, the U. S. Advisory Board on Child Abuse and Neglect cited problems with CPS staff as an area that needed improvement in addressing child abuse and neglect. They recommended:

- establishing all child protective service workers as professionals with commensurate minimum entry level education requirements, salary and status, among other requirements;
- providing adequate preservice and inservice training for workers;
- establishing acceptable caseloads; and
- recruiting CPS caseworkers representative of the racial, ethnic and cultural composition of the child abuse population.

Substance Abuse

Substance abuse is adding to the problem of child abuse and is cited as a primary cause of increased reports of abuse and neglect. According to the latest NCPA report, States report that an average of 32 percent of their substantiated cases of abuse involve drugs or alcohol. In recent years, crack cocaine has become the drug of choice, with many more women using this drug. Crack has been blamed for the phenomenon of "boarder babies" being abandoned in hospitals, and more children being removed from the home and placed in foster care.

The number of babies born exposed to drugs is another indication of this substance abuse problem. Estimates of how many infants are born exposed annually range from 100,000 cited in the 1989 National Drug Control Strategy to 375,000 by the president of the National Association for Perinatal Addiction Research and Education.²⁷ As of 1991, 21 States required that medical personnel and others report drug-exposed infants to CPS, while 3 States

²⁷U.S. Congress. House. Committee on Ways and Means. Subcommittee on Human Resources. *The Enemy Within: Crack Cocaine and America's Families*. Committee Print No. 101-30, 101st Cong., 2nd Sess. Washington, GPO, June 12, 1990. p. 15.

mandate the reporting of pregnant substance abusers.²⁸ Problems in dealing with families involved in substance abuse include: identifying families, the need for multiple services, and deciding when a child can stay with a parent affected by this problem and when he/she needs to be removed. Yet another problem in dealing with drug affected families is the lack of drug treatment centers, especially for women. It has recently been found that in-patient drug treatment facilities are sparse for pregnant women while residential treatment programs housing children in addition to mothers are almost nonexistent.²⁹

One Federal response to this particular problem was the enactment of emergency child abuse prevention services grants for programs serving parents who are substance abusers. This program was first added to the Child Abuse Act in 1989, and received appropriations of \$19.5 million for FY 1992.

Prevention Efforts

Families in need usually call or are reported to child protective services after reaching a crisis point. All States have some level of prevention and general social service programs that attempt to alleviate problems so that a child will not have to be removed from the home. The Federal Government provides some funding for these types of programs through the Child Abuse Act, the Child Welfare Services program, and the Social Services Block Grant. However, most States report problems in funding prevention efforts, when limited funds are needed for the families in crisis. States also receive funding for certain children placed in out-of-home care under the title IV-E Federal foster care program (authorized under the Social Security Act) thereby making the decision to remove a child easier than keeping him/her in the home and providing prevention services, which are not funded at the same level. In addition, differing opinions as to successful prevention efforts also hinder expansion of successful efforts. Many agree that there is a general lack of information on types of local programs and their effectiveness.

To deal with substance abuse and other problems, many States are implementing "family preservation" programs to provide intensive services to families. These programs generally assign only one or two families to a social worker. That social worker is available to the families on a 24 hour basis and is typically given discretionary funds to help a family with items such as buying food or child care services.³⁰

²⁸NCPA, *Current Trends in Child Abuse Reporting and Fatalities*, p. 17.

²⁹Jones, E. and Ackatz, L. *Availability of Substance Abuse Treatment Programs For Pregnant Women: Results Of Three National Surveys*. Chicago, IL, National Committee for the Prevention of Child Abuse, 1992. p. 5.

³⁰Smith, Shelly. *Family Preservation Programs: State Legislative Initiatives*. National Conference of State Legislatures, July 1991.

One way the Federal Government and States have worked together to address this problem is through trust funds aimed at funding child abuse and neglect prevention activities. In 1980, Kansas was the first State to set up a trust fund with money from specific sources to help fund child abuse prevention activities. In 1985, Congress established the Child Abuse Challenge Grant program to provide Federal matching funds to States that set up children's trust funds for child abuse prevention activities. Originally States helped to fund their portion of the trust funds through surcharges on marriage licenses and birth certificates. In recent years mechanisms such as State income tax checkoffs, State appropriations, and grants from private foundations have been used.³¹ By 1991, 49 States had some type of trust fund to help support such prevention activities.³²

ELDER ABUSE

Background

There is no one definition of elder abuse, although researchers identify four major types of abuse and neglect: physical abuse, psychological abuse, and active and passive neglect. In addition, a significant number of studies identify financial exploitation or material abuse as a form of abuse.³³ Elder abuse includes seemingly deliberate abuse of older persons, unintentional cases of neglect related to the frailty of the older person, and actions resulting from stress of caregiving, among other acts. Abuse can take place in domestic or institutional settings. However, the overwhelming majority of elderly live in domestic settings, and most research to date focuses on elder abuse in domestic settings.

Incidence

Data on the number of elderly who are subject to physical or mental abuse are limited. Prior to 1979 there was basically no research on elder abuse. Since research began in the early 1980s, studies conducted have lacked uniformity in terms, definitions, and methodological approaches. In 1990, the House Select Committee on Aging Subcommittee on Health and Long-Term Care conducted a survey of State Human Services Departments; 47 States plus the District of Columbia and Puerto Rico submitted information. Based on the information submitted by these States, the Subcommittee estimated that in 1988 about 5 percent of this Nation's elderly, more than 1.5 million persons, were the victims

³¹GAO, *Child Abuse Prevention*, p. 7.

³²According to Tom Birch, President of the National Child Abuse Coalition, Wyoming is the only State without a children's trust fund. Conversation on July 19, 1991.

³³Wolf, Rosalie and Karen Pillemer. *Helping Elderly Victims: the Reality of Elder Abuse*. New York, Columbia University Press, 1989. p. 17.

of moderate to severe abuse. (The report includes both victims of domestic abuse and institutional abuse.)³⁴

The National Aging Resource Center on Elder Abuse (NARCEA) completed a study in 1990 of all State adult protective service and aging agencies. Based on the States' findings, NARCEA estimated that there were 140,000 reports of elder abuse made to adult protective service (APS) agencies in FY 1988, which NARCEA translates into a national estimate of 2 million reported cases of elder abuse. This is an increase from 117,000 reports made in 1986 (1.6 million reported cases nationwide) and 128,000 reports in 1987 (1.8 million reported cases nationwide).

While some research shows that the rate of elder abuse is only slightly lower than that of child abuse, incidents of elder abuse are less likely to be reported. The House Select Committee on Aging reported in 1990 that 1 out of every 8 cases of elder abuse was reported.³⁵ This represents an increase over its 1980 survey in which 1 in 5 cases was estimated to be reported. Some researchers indicate that reports of elder abuse are rising as the size of the older population and reporting of all types of abuse increases.

Characteristics of Reported Incidents

The elderly are vulnerable to abuse for several reasons including increased frailty. Abused elderly experience a devalued social status and tend not to be linked to social networks that could intervene or help. Also cited as contributing to elder abuse are stress and social isolation of the caregiver. Researchers identify two main factors as predictors of elder abuse--abuser and victim characteristics. Some researchers point to well-meaning caregivers who are driven to abuse by the demands of an older person. Others point to abusers who are dependent on their victims and may have histories of antisocial behavior or instability.³⁶

Table 4 shows the types of abuse and neglect as reported by the NARCEA, an affiliate of the American Public Welfare Association.

³⁴U. S. Congress. House. Select Committee on Aging. Subcommittee on Health and Long Term Care. *Elder Abuse: A Decade of Shame and Inaction*. Committee Print No. 101-752, 101st Cong., 2nd Sess. Washington, GPO, Apr. 1990. p. 37-50.

³⁵U.S. Congress. House Select Committee on Aging. *Elder Abuse: A Decade of Shame and Inaction*, Committee Print No. 101-752, 101st Cong., 2nd Sess. Washington, GPO, Apr. 1990. p. XI. (Hereafter cited as *House Select Committee on Aging, Elder Abuse*.)

³⁶U. S. Department of Health and Human Services. Clearinghouse on Child Abuse and Family Violence Information. *Family Violence: An Overview*, 1991. p. 10. (Hereafter cited as *DHHS, Family Violence: An Overview*.)

TABLE 4. Types of Reported Cases of Domestic Elder Abuse, 1988

Type	Percent of total reports
Physical abuse	26.3
Sexual abuse	1.6
Emotional abuse/neglect	11.0
Neglect	37.2
Financial exploitation	20.0
All other types	2.8
Unknown	1.1

NOTE: Data reported by 24 States.

Source: National Aging Resource Center on Elder Abuse, 1988

Research suggests that elder abuse victims typically tend to be over 75 years old, often widowed women, physically and perhaps mentally dependent. Abusers tend to be living with the victim and have cared for the elder over a long period of time (one study estimates an average of 9.5 years). The abuser may be a spouse, adult child or other relative. When the abuser is a spouse, there may have been a pattern of abuse in the family or it could have originated in old age. When the abuser is an adult child, the abuser usually lives in the parent's home and depends on the parent for financial support or a place to live.³⁷ A study by NARCEA found that 30 percent of abusers were adult children. Table 5 shows the perpetrators of elder abuse.

³⁷U.S. Congress. House. Select Committee on Aging. Subcommittee on Human Services. *Hearing: Elder Abuse: An Assessment of the Federal Response*. Testimony of Patrick Halpin, County Executive, Suffolk County, New York. Committee Print No. 101-719, 101st Cong., 1st Sess. Washington, GPO, June 7, 1989. p. 28.

TABLE 5. Perpetrators of Elder Abuse, 1988

Perpetrator	Percent
Adult children	30.0
Grandchildren	1.9
Spouse	14.8
Sibling	1.7
Other relatives	17.8
Service provider	12.8
Friend/neighbor	10.0
All others	9.4
Unknown	1.5

NOTE: Data reported by 15 States.

Source: NARCEA, 1988

State and Local Response

State attention to elder abuse has been sporadic. Adult protective services (APS) agencies and State units on aging are the primary State agencies responsible for responding to cases of elder abuse. States report that some 70 percent of adult protective service cases involve elderly victims.³⁸ One reason elder abuse has received more attention in the past decade is the increase in the elderly population.

Before 1979, States tended to incorporate elder abuse legislation within various adult protective services statutes or laws relating to elderly persons. A 1985 American Public Welfare Association/National Association of State Units on Aging (NASUA) report found that 10 States addressed the problem through specific elder abuse legislation only; 20 through adult protective services laws; and Michigan through social service legislation only. Seventeen States used more than one type of legislation. In 1985, however, only 11 of these States had appropriated discrete funding for the provision of such services.

By 1988, all States had some form of elder abuse prevention legislation although they differed with regard to definitions, mandatory versus voluntary reporting, penalties, etc.³⁹ For example "persons covered" by these laws varied

³⁸House Select Committee on Aging, *Elder Abuse*, p. 42.

³⁹Tatara, Toshio. *Elder Abuse in the United States: An Issue Paper*. National Aging Resource Center on Elder Abuse. p. 54-71. (Hereafter cited as *Tatara, Elder Abuse in the United States*.)

from adults who are incapacitated to persons over 55, 60, or 65. Penalties included fines and/or incarcerations.

By 1988, according to NARCEA, 45 States (including D.C., Guam, and the Virgin Islands) required by law, that certain professionals (and the general public in some States) report suspected elder abuse in domestic settings to authorities. Examples of mandated reporters include: law enforcement agency personnel, social service agency personnel, health care professionals, and administrators or employees of public or private facilities that serve the elderly. Another seven States have voluntary reporting systems. New Jersey and Puerto Rico have not enacted any reporting laws for domestic elder abuse.⁴⁰ In addition, 48 States have mandatory reporting systems for institutional abuse, 4 have voluntary systems and 2 have no reporting systems for institutional elder abuse.

Issues in Addressing Elder Abuse

What type of reporting systems work best in the reporting of elder abuse? Some say that mandatory reporting systems, as used in child abuse are ineffective in elder abuse, and detract from the rights of the elder involved. Advocates of voluntary systems point to the uselessness of mandatory systems when treatment or support services are unavailable or inadequate. In addition, some elderly refuse services, and may be embarrassed that a family member is abusive. Service providers may be reluctant to report abuse and risk losing access to the victim. However, many believe that mandatory reporting systems contributed to the discovering of child abuse that was occurring and not being reported. Persons in favor of mandatory reporting systems assume that such systems can do the same for unreported elder abuse.

In a 1991 U.S. General Accounting Office survey of State officials, over one-third said that reporting laws, although effective, were not the *most* effective factor in identifying elder abuse. A high level of public and professional awareness was the factor mentioned most frequently by these officials, as effective in identifying and treating elder abuse. Although congressional hearings have been held on this issue, the Federal Government has not required States to enact a particular type of reporting system.

The state of services for elder abuse victims is still at a nascent stage with advocates pointing to several gaps in types of services available. Public information campaigns and services to deal with disabled victims are cited by some as a need. Coordination among the legal, law enforcement, and medical/health professions is also cited as a need.

⁴⁰The seven States with voluntary reporting systems are: Colorado, Illinois, New York, North Dakota, Pennsylvania, South Dakota, and Wisconsin.

SPOUSE ABUSE

Background

There is no one definition of spouse abuse, and estimates of the level of spouse abuse vary depending on how the term is defined.⁴¹ While there is general agreement among researchers that extreme cases of violence, where a spouse is seriously injured or killed, constitutes spouse abuse, there is absence of consensus among researchers as to the severity of violence that is considered to be "abuse."⁴² Spouse abuse may include overt physical abuse, sexual violence, or psychological abuse which may include economic domination, intimidation, threats, and isolation. Physical and sexual abuse have received the most attention from researchers and the media.

Most researchers agree that the problems of spouse abuse are predominantly those of wife abuse, although several make a distinction between husband abuse and wife abuse.⁴³ Some research suggests that many men do not view their wives' violence as threatening and, if they do, are not as likely to be physically or economically restrained from leaving the relationship. In addition, services needed by abused husbands are often different from those needed by abused wives. While men may need counseling, they do not often need a safe community shelter to prevent them from being followed or further harmed by their wives.

The nuances of spouse abuse are different from child abuse: most victims are women; and neighbors and relatives are less apt to report such abuse often because the victim is an adult and many believe she should be able to handle the situation (versus children who cannot). However, in 1979, the term "battered woman syndrome" was coined by Dr. Lenore Walker to refer to a series of characteristics common among abused women.⁴⁴ This syndrome helped to explain why victims remained in relationships with their abusers and why victims of spouse abuse should be seen as people in need of help. Some of the characteristics of this syndrome are: the perception of loss of control; the development of skills such as indirect expression of anger and denial in order to

⁴¹In this context, most researchers define "spouse" to include any person in any form of an intimate relationship. Consequently, this definition includes girlfriends and boyfriends and other types of intimate relationships.

⁴²Straus, Murray A., and Richard J. Gelles. *Societal Change and Change in Family Violence from 1975 to 1985 as Revealed by Two National Surveys. Journal of Marriage and the Family*, v. 48, no. 3, 1986. p. 467. (Hereafter cited as *Straus and Gelles, Societal Change and Change in Family Violence.*)

⁴³*Ibid.*, p. 470.

⁴⁴Walker, Lenore Auerbach. *What Counselors Should Know About the Battered Woman. The Male Batterer: A Treatment Approach*, New York, Daniel Jay Sonkin and Del Martin Springer Publishing Co., 1985. p. 150-165.

cope with the violence occurring; and the development of certain behaviors such as anxiety, fear, confused thinking, lack of trust, and guilt.

Although there are a number of hypotheses as to the cause of spouse abuse, the empirical evidence is limited. To date, there is little trend data that can be used to examine such abuse over time and under changing social and economic conditions. While economic hardship, family history of abuse, and support for traditional family structure (husband as primary decision maker and sole wage earner) have been associated with spouse abuse they have not been identified as causal. One factor believed by some to be associated with increased incidence of abuse is alcohol and drug usage. One study in 1983 reported that men who drink are more than 15 times as likely to abuse their wives as nondrinkers.⁴⁵ Incidence of domestic violence appears at all levels of society and is not limited to any racial, ethnic or socioeconomic group.

Incidence and Characteristics

No one organization collects national data on reported incidents of spouse abuse. Although it is believed that this crime is severely underreported, estimates on the extent of spouse abuse are based on only a handful of studies. The studies that have been conducted vary considerably depending on definitions. In fact, the lack of consensus on definitions of the problem, and methods for collecting data are considered to be major problems in addressing spouse abuse.

Although numerous studies have attempted to estimate the incidence of spouse abuse, most have been based on non-random samples of victims in hospital emergency rooms, battered women's shelters, and therapy clinics. Statistics from police reports pose a similar problem because they include only *reported* incidents of abuse. Data obtained from studies based on random representative samples provide more reliable estimates of the extent of spouse abuse, but there are only a few such studies.

This section briefly presents and discusses estimates from two major studies, conducted 10 years apart, by Straus and Gelles that used a national sample. Data from the National Crime Survey, conducted by the Department of Justice and the FBI Uniform Crime Reports are also presented.

Straus and Gelles

In 1975, Straus and Gelles conducted a national survey using a representative random sample. Published in 1980 under the title *Behind Closed Doors: Violence in the American Family*, it measured reported violence among 2,100 couples. In 1985, Straus and Gelles repeated the survey with 3,500 couples. Both surveys measured reported violence by husbands toward their

⁴⁵Coleman, D.H., and D. H. Straus. Alcohol Abuse and Family Violence. *Alcohol, Drug Abuse and Aggression*. E. Gottheil, A. Druly, I.E. Skolada and H. Waxman, eds. Springfield, IL, Charles C. Thomas, 1983.

wives as well as by wives toward husbands, but did not include divorced or separated couples. It is important to read any differences between the 1975 and 1985 results with caution due to differences in methodology and other factors.⁴⁶

Overall violence included the following acts: throwing something at a spouse; pushing; biting or hitting with fist; hitting or attempting to hit with an object; "beating up"; threatening or using a knife or a gun. Severe violence was defined as those acts that have a relatively high probability of causing an injury and included acts ranging from kicking to using a knife or a gun.

Straus and Gelles reported the following rates of violence in their 1985 survey:⁴⁷

- the overall rate for husband to wife violence was measured at 113 per 1000 couples, representing over 6 million wives beaten.
- the severe violence rate for husband to wife violence was measured as 30 per 1000 couples, representing 1.6 million wives severely beaten.

In discussing their findings, Straus and Gelles state that the rate of wife to husband violence is similar to the above rates. However, because of their greater average size, strength, and aggressiveness, men are much more likely to injure their wives than wives are to injure their husbands with a given act of violence. And more importantly, the reasons why wives are violent against their husbands are often ones of retaliation or self-defense.⁴⁸

The National Crime Survey and Uniform Crime Reports

The National Crime Survey (NCS), conducted annually by the Bureau of Justice Statistics (BJS), Department of Justice, interviews 60,000 households to determine how many persons in the United States have been the victims of violent crime. Although, it is not specifically aimed at measuring spouse abuse and family violence, because interviewees are asked about their relationship

⁴⁶Straus and Gelles, *Societal Change and Change in Family Violence*, p. 468-471.

⁴⁷The authors noted a decline in rates of reported violence between their 1975 and 1985 studies, however, none of the rate declines were statistically significant. The authors explanations for the decline include: 1) an unwillingness by husbands to admit to domestic violence, which may be the result of the growing unacceptability of wife abuse; and 2) an actual change in behavior precipitated by factors such as changes in family structure, including later marriage and fewer children, growth in the number of battered women's shelters, and more prevention and treatment programs.

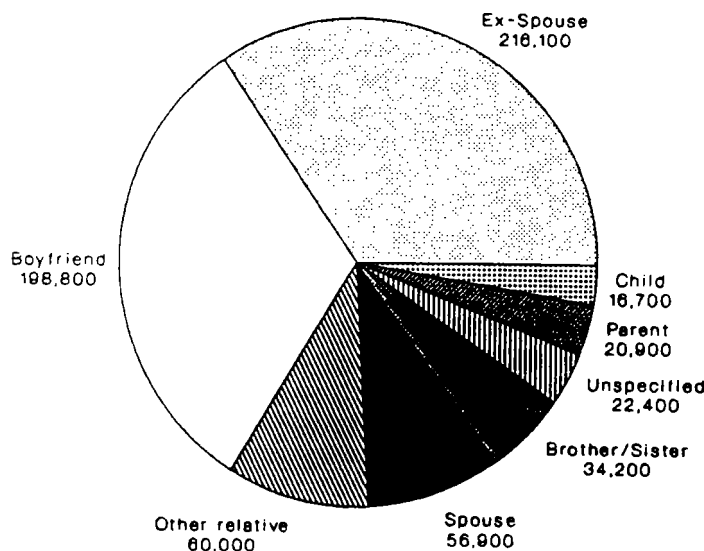
⁴⁸Straus and Gelles, *Societal Change and Change in Family Violence*, p. 470-471.

with their attacker, these data include crimes by spouses or ex-spouses. The BJS warns that these data cannot be used as estimates of the true level of spousal violence but are simply estimates of spousal violence that people perceive to be of a criminal nature and are willing or able to report to NCS interviewers. Approximately 56 percent of victimizations (by strangers or intimates) were reported to the police.

According to a special BJS report published in 1991, between 1979 and 1987 an annual average of 427,200 women believed themselves to be victims of a violent crime (rape, robbery, or assault) by a relative. Of that number 273,000 (64 percent) were victimized by a spouse or ex-spouse. In addition, 198,800 experienced violence by boyfriends. (See figure 1.) About 79 percent of the spouse abuse cases involved divorced or separated persons, but it is not known whether the incidents occurred before or after divorce or separation.⁴⁹

FIGURE 1.

**Violence Sustained by Female Victims
by Victim-Offender Relationship**
Average annual reported number
1979-87



Bureau of Justice Statistics, DOJ
January 1991

⁴⁹U.S. Department of Justice. Bureau of Justice Statistics. *Female Victims of Violent Crime*. Prepared by Caroline Wolf Harlow, Jan. 1991. p.1-3. (Hereafter cited as Department of Justice, *Female Victims of Violent Crime*.)

Black women experienced violence at a rate higher than women of all other races, and Hispanic women experienced more violence than non-hispanic women. Women aged 16-24 experienced the highest rate of criminal attacks. Separated or divorced women were 4 1/2 times more likely to be victims of violence than married women. White women were more likely to be assaulted by spouses or ex-spouses (2.9/1000 women) and black women were more likely to be assaulted by boyfriends and ex-boyfriends (4.1/1000 women).⁵⁰

As with the NCS, the FBI Uniform Crime Reports (UCR) does not reflect the actual incidence of crime. It presents the number of crimes that are officially reported and recorded by police. According to the UCR, among all female murder victims in 1989, 28 percent (1440) were slain by husbands or boyfriends.⁵¹ Five percent (817) of the male victims were killed by wives or girlfriends.

State and Local Responses

State and Federal attention paid to spouse abuse has grown more slowly than that given to child abuse. Feminist organizations, former abused spouses, and community activists brought attention to this problem in the early 1970s. By 1984 at least 32 States had some form of domestic violence legislation.⁵² Instead of assuming the service protector role (as in child protective services, and adult protective services that serve a majority elderly clientele), most States have facilitated the development of emergency shelter and other programs run by private nonprofit organizations. As of 1990, only Arkansas, Delaware, New Mexico, and Puerto Rico had not enacted any form of domestic violence legislation, although these jurisdictions do sponsor services for domestic violence victims.⁵³

One of the most disputed issues at the local level is when domestic violence incidents are "criminal" in nature. Law enforcement personnel have been reluctant to prosecute domestic violence cases, which many consider to be private matters between spouses and thus inappropriate for government intervention. Early criticism of police handling of spouse abuse cases, coupled with litigation and a growing awareness of such abuse, has led to changes in police practices in some States. The newest response to this problem has been laws requiring the police to arrest perpetrators of spouse abuse. Experiments

⁵⁰Ibid., p.4.

⁵¹U.S. Department of Justice. Federal Bureau of Investigation. *Uniform Crime Reports: 1989, Aug., 1990.* p. 12.

⁵²Lengyl, Linda. Survey of Domestic Violence Legislation. *Legal Reference Services Quarterly*, v. 10, 1990. Appendix A. (Hereafter cited as *Lengyl, Survey of Domestic Violence Legislation.*)

⁵³Ibid., p. 60.

in Minneapolis and New Mexico have proven this method to be somewhat successful.⁶⁴

No States have mandatory reporting laws for spouse abuse, and State laws vary in their definition of spouse abuse and the penalties for it. The State and local response to domestic violence has usually been some combination of the following:

- shelters for victims and their dependents;
- legislation that includes a definition of those individuals entitled to protection, provisions for temporary or emergency relief for victims, and provisions for issuing protective orders for victims;
- laws that provide police with some ability to arrest without a warrant; and/or
- court-ordered counseling for the parties concerned or diversion programs for the male batterers.⁶⁵

In the 1980s, many experts believed battered women's shelters to be the foremost need of abused women. Consequently, the numbers of shelters increased from only a handful in the early 1970s to 935 shelters, 530 safe homes, and 303 non-resident programs in 1987.⁶⁶ According to the National Coalition Against Domestic Violence (NCADV), these shelters and homes served 175,023 women and 199,760 children in 1987, but turned away nearly 40 percent of those seeking shelter for lack of space or resources. NCADV states that since 1983 the number of shelters has increased by over 30 percent, the number of women served by 100 percent, and the number of children served by 60 percent.⁶⁷

Another factor in addressing spouse abuse has been the development of State domestic violence coalitions. These coalitions help lobby for funding for shelters and other services needed by victims; coordinate services across counties; advertise services offered by shelters; provide referral to support

⁶⁴Micklow, Patricia and Vincent Hasselt, et.al. eds. *Domestic Abuse: The Pariah of the Legal System. Handbook of Family Violence*, 1988. p. 407-434.

⁶⁵Lengyl, *Survey of Domestic Violence Legislation*, p. 62; and Gondolf, Edward. *An Exploratory Survey of Court-Mandated Batterer Programs. Response to the Victimization of Women and Children*, vol. 13, no. 3, 1991. p. 7-11.

⁶⁶These estimates are provided by the National Coalition Against Domestic Violence (NCADV).

⁶⁷Data obtained via telephone conversation with Karyl Spriggs, National Coalition Against Domestic Violence. Washington, Nov. 1991.

services such as housing and counseling services; and provide long term planning and coordination of needed services. These coalitions are often comprised of representatives from battered women's shelters, and the health, legal, and law enforcement systems, among others.

Issues in Addressing Spouse Abuse

Of the three forms of family violence presented in this report, spouse abuse is the hardest to quantify due to vast differences in definitions and methodological approaches. Children and the elderly are often thought of as more vulnerable, and in need of help, and researchers have agreed more easily on definitions. Women, on the other hand, are thought by many to be capable of dealing with their own problems. Within the women's advocate community, three issues are being debated in the early 1990s: providing the right type of services for victims; finding the best way to handle perpetrators; and addressing the issue of battered women who kill their abusive partners.

Support Services

Although the number of shelters for victims of spouse abuse and their dependents have increased dramatically in the past decade, advocates state that there are still not enough, and these shelters only address the immediate physical needs of spousal victims. Often shelters provide referral to support services for victims if such services exist. One of the missions of most State domestic violence coalitions is to help develop more support services and coordinate those that already exist. Support services can include, housing, counseling, drug/alcohol treatment, medical, and educational services. Other services needed by victims include transportation, legal assistance, child care, and job training and employment opportunities to help victims become self-sufficient. The availability and quality of services are other aspects of this issue. With services usually provided by nonprofits, who often struggle for funding, not every type of service is available on a uniform basis, and not all are accessible to rural victims.

For women who suffer serious physical injury as a result of abuse, emergency medical services are an important need. One report cited severe spouse abuse as the single major cause of injury for which women seek medical attention; it is more common than auto accidents, mugging, and rape combined.⁵⁸ Yet another estimated that 21 percent of all women using emergency medical services had been injured in a domestic violence incident and that one half of all injuries presented by women to emergency surgical services occurred in the context of partner abuse.⁵⁹

⁵⁸DHHS, *Family Violence: An Overview*, p. 5.

⁵⁹Stark, Evan, et al. *Wife Abuse in the Medical Setting*. National Clearinghouse on Domestic Violence. Domestic Violence Monograph Series, no. 7, Rockville, MD, Apr. 1981. p. 8.

Deterring Offenders

States differ in their methods for involving law enforcement personnel in spouse abuse incidents. Most States have statutes allowing police to restrain domestic violence offenders in some way. These restraining orders can take the form of issuing warnings or preventing the offender from coming within a certain distance of the victim. In addition, some 30 States have warrantless arrest statutes permitting officers to arrest for a misdemeanor offense if there is probable cause. Ten States require police training to have a domestic violence component.⁶⁰ Debate continues on which methods are most effective in deterring further violence.

One method for deterring further violence that has received a lot of attention is mandatory arrests for perpetrators. A domestic violence experiment involving the Minneapolis police department in 1982 was one of the most influential study of arrests and their use in preventing repeat incidents of domestic violence.⁶¹ The Minneapolis experiment was designed to test the effectiveness of legal sanctions versus nonlegal, informal police responses. The study found that arrest was more effective in reducing subsequent violence in misdemeanor wife assault cases than other police responses. Based on this experiment, the National Institute of Justice funded similar tests in six cities, and many other jurisdictions changed their policies to include some form of mandatory arrest for offenders. Questions regarding the methodology of the Minneapolis experiment, have surfaced in recent years, and similar experiments have not yielded the same results.⁶² Thus, debate continues on the effectiveness of implementing this policy nationwide.

Battered Women in Prison

There has been a growing awareness in recent years that a large percentage of women in prisons are the victims of spouse abuse and/or other forms of abuse, with many of these abused women in prison for killing their abusive husbands or boyfriends. According to the National Committee Against Domestic Violence, in 1989, approximately 50 percent of female prison inmates were victims of

⁶⁰For a listing of States with warrantless arrest statutes and States that include a domestic violence component in police training see: MacManus, Susan and Nikki Van Hightower. *Limits of State Constitutional Guarantees: Lessons from Efforts to Implement Domestic Violence Policies. Public Administration Review*, May/June 1989. p. 275.

⁶¹Sherman, Lawrence and Richard Barth. *Specific Deterrent Effects of Arrest for Domestic Assault. American Sociological Review*, v.49, Apr. 1984. p. 262.

⁶²Sherman, L., Ellen Cohn, and Douglas Besharov, ed. *The Effects of Research on Legal Policy in the Minneapolis Domestic Violence Experiment. Family Violence: Research and Public Policy Issues*, 1990. p. 205-227.

spouse abuse.⁶³ An increasing number of abused women who kill their abusers are claiming they acted in self-defense. As public awareness of domestic violence has grown, some courts are beginning to recognize spouse abuse as a legitimate issue to take into consideration in these cases. However, the majority of such women are convicted and sentenced to prison.⁶⁴

State responses to this issue have taken two forms: the granting of executive clemency by some Governors to imprisoned battered women; and passing statutes that allow for the admission of expert testimony on the "battered woman's syndrome" to support self-defense claims by women who kill or assault their husbands or boyfriends. In December 1990, Governor Richard Celeste of Ohio granted clemency to 26 battered women, and in February 1991, Governor William Donald Schaefer of Maryland granted clemency to 8 imprisoned battered women convicted of killing or assaulting their abusive husbands or boyfriends. Prior to these two events, several Governors had granted clemency to individual battered women.⁶⁵ As of October 1991, the States of Ohio, Maryland, Texas and California had passed statutes regarding the admissibility of expert testimony on spouse abuse in cases where women killed or assaulted their abusers.⁶⁶

THE FEDERAL RESPONSE

The Federal response to the forms of family violence discussed in this report has primarily included State and other grant programs aimed at supporting research, treatment, or data collection efforts. The major Federal programs specifically for these problems are authorized by the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, and the Older Americans Act. In addition to these programs, funding provided under several larger Federal programs (such as the Child Welfare Services program and the Social Services Block Grant) may be used to support family violence related services. These latter programs, however, support a wide range of social services, and none are specifically required to support family violence related services. The extent to which they support such services or assist victims of abuse is not clear.

In addition, two major Federal reports on family violence have been issued in the last decade. In 1982, the U.S. Commission on Civil Rights published a

⁶³National Committee Against Domestic Violence Voice. *National Estimates and Facts About Domestic Violence*, winter 1989. p. 12.

⁶⁴Osthoff, Sue. Clemency for Battered Women. *Double Time*, National Clearinghouse for the Defense of Battered Women, v. 1, no. 1, Oct. 1991. p. 1-4.

⁶⁵Ibid., p. 3

⁶⁶Quash, Robin. Battered Women Who Kill Their Abusers: The Admissibility of Expert Testimony on the Battered Woman Syndrome to Support a Claim if Self-Defense. *Colonial Lawyer*, v. 20, spring 1991. p. 1-23.

report that dealt specifically with battered women. This report's purpose was to assess the major needs of battered women and of organizations that serve them and to assess the adequacy and relevance of Federal support for needed services. The report recommended a number of Federal initiatives to fill gaps in services to battered women and provide comprehensive, coordinated services to battered women across service categories and Federal agencies.

In 1984, the Final Report of the Attorney General's Task Force on Family Violence was issued. This report addressed all forms of violence in the family, not just spouse abuse. It recommended that Federal incentive funds be used for three purposes: conducting family violence prevention and awareness campaigns; training criminal justice personnel, and helping to maintain shelters.

The following describes the major Federal programs targeted to child abuse, elder abuse and spouse abuse.

Child Abuse

The following Acts provide funding for general and specific services aimed at child abuse prevention, treatment, and research. Although the Child Abuse Act is cited as the primary Federal Act in addressing child abuse and neglect, it is relatively small in terms of Federal funds when compared to the Child Welfare Services program. The Child Abuse Act is considered the major Federal program in addressing child abuse because of the requirements it places upon States as a condition for receipt of funds. For example, it requires mandatory reporting, confidentiality laws and immediate investigation of reports. Over the years it has become a primary vehicle for new and innovative projects aimed at specific problems involving child abuse and neglect, such as addressing the substance abuse problems of families.

Child Abuse Prevention and Treatment Act

The Child Abuse Prevention and Treatment Act (CAPTA) was originally authorized in FY 1974 (P.L. 93-247). The Act requires States to have in place mandatory reporting systems in order to receive funding for prevention and treatment programs. Although most States already had some type of child abuse law in 1974, they had to adopt the Federal requirements to receive funding. CAPTA is administered by the National Center on Child Abuse and Neglect (NCCAN), Administration for Children, Youth and Families, DHHS. It authorizes seven grant programs to address issues pertaining to child abuse and neglect.

- Grants to States for child abuse and neglect prevention and treatment programs (with money earmarked for States to develop and use mechanisms to respond to reports of medical neglect of children, including cases of withholding treatment from disabled infants with life-threatening conditions, and to improve services for these children).

- Demonstration grants to public or private nonprofit organizations designed to prevent, identify, and treat child abuse and neglect (including the identification, prevention, and treatment of child sexual abuse).
- Grants to States for programs relating to the investigation and prosecution of child abuse cases, and in particular those involving child sexual abuse (funded by the Victims of Crime Act, see below).
- Training and technical assistance grants to, among other things, assist States in developing programs to meet the requirements relating to reporting medical neglect.
- Child abuse challenge grants intended to encourage States to establish and maintain children's trust funds to support child abuse and neglect prevention activities.
- Demonstration grants to States and local agencies for activities aimed at preventing the abuse and neglect of homeless children, and the separation of these children from their parents (this program has never been funded).
- Emergency child abuse prevention services grants to State and local child abuse agencies, community and mental health agencies, and nonprofit youth-serving organizations, for children whose parents are substance abusers.

NCCAN also oversees research, and collects data on the incidence of child abuse and neglect. The U.S. Advisory Board on Child Abuse and Neglect and an Inter-Agency Task Force on Child Abuse and Neglect are also authorized under the Act.

The authorization of appropriations for these programs expired in FY 1991. In the past few years, Congress and advocates have engaged in considerable debate over methods to improve the Federal response to child abuse. Congress is expected to reauthorize the Act in the 102nd Congress.⁶⁷ In FY 1991, the components of the Child Abuse Act received a total appropriation of \$59 million. For FY 1992 approximately \$60 million has been appropriated for these programs.

⁶⁷As of March 1992, the House and Senate have passed bills reauthorizing the Child Abuse Act. These bills are expected to go to conference in the second session of the 102nd Congress. For more details on these bills, see: U. S. Library of Congress. Congressional Research Service. *Child Abuse Act and Related Programs: Reauthorization Issues*. Issue Brief No. IB91027, by Dale Robinson. Washington, 1991. (updated regularly.)

**TABLE 6. Funding for the Child Abuse Prevention and Treatment Act
FY 1982-1992 (in millions)**

FY	State grants^a	Demonstration or service grants	Sexual abuse	Challenge grants	Emergency prevention grants
1982	6.7	9.5	-	-	-
1983	6.7	9.5	-	-	-
1984	6.7	9.5	-	-	-
1985	12.0	14.0	-	5.0	-
1986	11.4	13.4	-	^b	-
1987	12.0	14.0	-	5.0	-
1988	11.5	13.3	-	4.8	-
1989	11.9	13.4	3.5	4.8	-
1990	11.5	13.5	9.2	4.9	-
1991	19.5	14.6	9.5	5.4	19.5
1992	20.5	14.6	9.3	5.4	19.5

^aIncludes funding for training and technical assistance
^bNo funds were appropriated in FY 1986. The \$5 million appropriated in FY 1985 was unobligated and was available through FY 1986.

Child Welfare Services (Title IV-B of the Social Security Act)

Funds are provided under this program for child welfare-related services. These services include a variety of activities designed to protect children in at-risk situations. Services include: investigation of abuse and neglect reports, preventive and supportive services, and removal of children from homes if necessary for their protection.⁶⁸

States are allowed to determine what services they will provide; detailed reports of the uses made of funds are not required; and data relating to services for preventing or treating child abuse are not available. The vast majority of funds under the child welfare services program are expended by States for foster care expenses. The child welfare services program received \$273.3 million in Federal funds for FY 1991 and again in FY 1992.

⁶⁸Major child welfare reform legislation has been introduced in the 102nd Congress. For more on this issue see: U.S. Library of Congress. Congressional Research Service. *Child Welfare and Foster Care Reform*, Issue Brief No. IB90145, by Karen Spar. Washington, 1990. (updated regularly.)

Temporary Child Care for Children with Disabilities and Crisis Nurseries Act

The Temporary Child Care for Children with Disabilities and Crisis Nurseries Act was enacted in 1986. This act authorizes two programs--respite care and crisis nurseries. Respite care provides short-term, nonmedical temporary care for children with disabilities or who are chronically or terminally ill. Care may be provided in-home or out-of-home, and is provided on a sliding fee scale with hourly and daily rates.

Crisis nurseries provide temporary care and referral to support services for children who are abused or neglected, at risk of such maltreatment, or receiving child protective services. These programs are also designed to utilize existing community based services to help client families. Under this program, services must be provided without fee for a maximum of 30 days in any one year. By 1991, 31 States had received grants under one or both of these programs. In FY 1991 and 1992 this program was appropriated \$11.1 million. The authorization of appropriations for programs under this Act also expired in FY 1991.⁶⁹ Congress is expected to reauthorize this program during the 102nd Congress.

Federal Funding for Elder Abuse

Congress first focused national attention on elder abuse at a hearing in 1978 by the House Select Committee on Aging. Over the next few years several more hearings were held and legislation was introduced but not passed. However, since 1979, the Administration on Aging (AoA), DHHS has supported a variety of research, demonstration, and training projects on elder abuse. A total of approximately 20 projects worth more than \$4 million have been funded to date. In 1991, AoA has funded the National Aging Resource Center on Elder Abuse (NARCEA).⁷⁰

The Older Americans Act authorizes the major Federal program to handle issues specifically related to elder abuse. Amendments to the Older Americans Act in 1984 included provisions allowing States to use funds for activities related to elder abuse prevention. This Act is administered by AoA, DHHS. Also in 1984, elder abuse became one of types of abuse that could receive services under the then new Family Violence Act, which is not administered by AoA.

In 1987, Congress amended the Older Americans Act to include a *specific* program on elder abuse prevention, "Prevention of Abuse, Neglect and

⁶⁹As of March 1992, both the House and Senate have passed bills that would reauthorize this program. These bills are expected to go to conference during the second session of the 102d Congress. See: U.S. Library of Congress. Congressional Research Service. *Child Abuse Act and Related Programs: Reauthorization Issues*. Issue Brief No. IB91027, by Dale Robinson. Washington, 1991. (updated regularly.)

⁷⁰Tatara, *Elder Abuse in The U.S.*, p. 42.

Exploitation of Individuals." Under this program, State agencies on aging are awarded grants to develop elder abuse prevention programs, public education and outreach services, systems for receipt of reports of such abuse, and referral systems for victims, among other provisions. This program received an appropriation of \$2.9 million for the first time in FY 1991. For FY 1992 \$4.4 million has been appropriated for this program.⁷¹

Spouse Abuse

Family Violence Prevention and Services Act

The Family Violence Prevention and Service Act (P.L. 98-457) was enacted in 1984. It authorizes funds to help States prevent family violence, provide immediate shelter for victims of family violence and their dependents, and provide technical assistance and training relating to the family violence programs. The Act was extended through FY 1991 by the Child Abuse Prevention, Adoption, and Family Services Act (P.L. 100-294).

Specifically the Act authorizes:

- demonstration grant programs to States (and Indian tribes) for the establishment, maintenance, and expansion of family violence prevention and treatment programs;
- law enforcement training and technical assistance grants;
- information and training grants for family violence prevention;
- a national clearinghouse on family violence prevention (including the abuse of elderly persons); and
- a family member abuse information and documentation project.

All programs under this Act are administered by the Administration for Children and Families (ACF), DHHS, except for the law enforcement training and technical assistance grants which are administered by the Department of Justice's Office of Justice Programs. The Act received a total appropriation of \$10.7 million for FY 1991. In FY 1992 it has received \$20 million in

⁷¹ Legislation has been passed by both the House and Senate to reauthorize this Act. This legislation is expected to go to conference in the second session of the 102nd Congress. For more information on the Older Americans Act, see: U.S. Library of Congress. Congressional Research Service. *Older American Act: Reauthorization and FY 1992 Budget Issues*. Issue Brief No. IB91002, by Carol O'Shaughnessy. Washington, 1991. (updated regularly.)

appropriations. Authorizations for this program expired in FY 1991. Congress is expected to reauthorize this program during the 102nd Congress.⁷²

TABLE 7. Funding for the Family Violence Prevention and Services Act (in millions)

FY	Appropriations
1985	6.0
1986	8.4
1987	8.5
1988	8.1
1989	8.2
1990	8.3
1991	10.7
1992	20.0

Victims of Crime Act

The Victims of Crime Act (P.L. 98-473) established a crime victim's fund that consists of money collected from persons convicted of certain Federal offenses. Most recently this Act was amended in FY 1990 by P.L. 101-647. It currently authorizes the use of up to \$150 million from the Federal fund in FYs 1992-1994 for three programs: 1) State crime victim compensation programs; 2) eligible crime assistance programs that help victims of sexual assault, spouse abuse, or child abuse; and 3) State grants, authorized under the Child Abuse Act, for programs relating to the investigation and prosecution of child abuse cases. The Victims of Crime Act also authorizes training and technical assistance grants and money for services to victims of Federal crimes.⁷³

Eligible services provided under the crime victims assistance programs are crisis intervention services, including a telephone hotline; temporary shelter and

⁷²As of March 1992, both the House and Senate had passed reauthorizing legislation for this Act. See: U.S. Library of Congress. Congressional Research Service. *Child Abuse Act and Related Programs: Reauthorization Issues*. Issue Brief No. IB91027, by Dale Robinson. Washington, 1991. (updated regularly.)

⁷³In FY 1988, \$93.6 million was collected from Federal fines and distributed according to the established guidelines. In FY 1989, the crime victims fund collected \$129 million, reaching its cap for the first time. (Conversation with Anne Voight, Office of Justice Programs, Office of Congressional and Public Affairs, Department of Justice, Nov. 27, 1991.)

other emergency services; support services, including follow-up counseling; court related services, including transportation, child care, and escort services; and payment for forensic medical exams. The Omnibus Drug Initiative Act of 1988 (P.L. 100-690) amended the act to specify that 15 percent of the funds for State grants be available to assist Native American Indian tribes handle the above issues. Funding for the State grants program is provided by the Victims of Crime Act. (This last program is administered by DHHS.)

Other Federal Programs

Social Services Block Grant (Title XX of the Social Security Act)

Under the Social Services Block Grant (SSBG), funds are provided to States for a range of social services, and States are allowed to determine what services they will provide with the funds, and to set up eligibility criteria for receipt of services. Federal law does specify, however, that services be directed toward several goals including, "preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests." Under this program States are not required to submit detailed reports on the uses made of funds or on the characteristics of program participants. Many States use SSBG funds to support their adult protective services systems which in turn fund some projects on elder abuse. The program was appropriated \$2.7 billion in FY 1991 and again in FY 1992.

Community Services Block Grant (CSBG)

The Community Services Block Grant provides funds to States to help fight poverty and address the effects of poverty on people and communities. The program is administered by DHHS through the Office of Community Services (OCS), which distributes grants to States. States in turn give these funds to local community action agencies or other antipoverty organizations.

The Act does not require any reporting from States thus data on how States spend this money are unavailable. The only available data are from the National Association for State Community Services Programs (NASCSPP); which, with financial support from HHS, has sponsored a voluntary survey for the last several years on the CSBG program. The FY 1987 report found that 20 percent of CSBG funds were used for emergency services; 13 percent for employment activities; and 14 percent for nutrition. Emergency services include a wide range of activities including crisis intervention, information and referral, counseling, emergency cash assistance, child protective services and domestic violence intervention. In FY 1991, the program received \$349 million in appropriations. For FY 1992 the program received \$360 million in Federal funds.

Alcohol, Drug Abuse and Mental Health Block Grant

The Alcohol, Drug Abuse, and Mental Health Services Block Grant (ADMS) authorizes grants to States for prevention, treatment, and rehabilitation programs and activities to deal with alcohol and drug abuse. It also authorizes grants to community mental health centers for mental health services, including services for mentally ill children and elderly individuals and other underserved populations. The program is administered by the Public Health Service, DHHS. Funds are allocated to States based on each State's population of age groups at greatest risk for substance abuse and mental illness and on total taxable resources of each State. Starting in FY 1990, States are required to spend at least 50 percent of their drug abuse treatment allotment for several specific purposes including outreach activity to encourage individuals in need of drug abuse treatment to undergo such treatment.

Because there are few reporting requirements, little is known about how States spend their block grant funds. It is not known how many prevention, treatment, or rehabilitation programs address alcohol and drug-abuse related domestic violence or how many domestic violence victims and abusers receive services at community mental health centers. In FY 1991, this program received \$1.269 billion in appropriations. For FY 1992, \$1.36 billion has been appropriated for this program.

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Date: 05/23/95 Time: 17:15

First Person Convicted Under Federal Domestic Violence Law

CHARLESTON, W.Va. (AP) A man who beat his wife bloody and drove around two states with her locked in his trunk became the first person Tuesday convicted under the new federal domestic-violence law.

Christopher Bailey, 34, could get up to 20 years in prison under the new law and life behind bars for kidnapping. Sentencing was scheduled for Aug. 21.

He beat his wife, Sonya, on Nov. 26, placed her unconscious in the trunk of their compact car and drove around West Virginia and Kentucky until Dec. 1, when he carried her into a Corbin, Ky., emergency room, prosecutors said.

Mrs. Bailey, 33, remains in a coma.

The Violence Against Women Act, part of the 1994 crime bill, makes crossing a state line to assault a spouse or domestic partner a federal offense. Bailey was the first person prosecuted under the law, which was passed in August.

"This sends a message that federal authorities are willing to step in and prosecute domestic violence where we can," U.S. Attorney Rebecca Betts said.

Advocates for victims of domestic abuse said prosecuting offenders under state laws is often difficult when the evidence doesn't clearly show which events occurred in which legal jurisdiction.

Had Bailey been prosecuted under West Virginia state laws, he would have faced a malicious wounding charge that carries up to 10 years in prison, state police Sgt. J.J. Dean said.

Bailey's lawyers wouldn't comment after the verdict.

During the trial, they argued that Bailey was in an alcoholic blackout and never intended to harm his wife.

Bailey, a handyman at a nursing home, testified he could only remember arguing with his wife in a bar in their hometown of St. Albans and waking up two days later in a place he didn't recognize to find her severely injured in the back seat. He was seated behind the wheel of the car, he said.

He said he drove around a few days before taking her to a hospital, because "I thought I could get her better by myself." He said he went to a Kmart and bought bandages, hydrogen peroxide and antibiotic ointment for her wounds.

Investigators found a pool of blood and urine in the wheel well of the trunk. The lid of the trunk was dented from the inside and scratch marks were found around the lock.

Prosecutors said Mrs. Bailey may have regained consciousness and tried to escape.

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 21, 1995

REMARKS BY THE PRESIDENT
AT VIOLENCE AGAINST WOMEN ACT EVENT

The East Room

1:11 P.M. EST

THE PRESIDENT: Thank you, Sarah, for your wonderful remarks and for the powerful example of your life. I was watching you speak today, thinking of your story, wondering how many other stories like yours there might have been if our society had responded more properly, and how many more there will be now because we are going to do the right things.

I thank Attorney General Reno and Secretary Shalala, and of course, Senator Biden and Senator Hatch and Senator Boxer, Senator Harkin, Senator Kerry, Senator Moseley-Braun, Senator Wellstone -- we've nearly got a quorum. (Laughter.) Congresswoman DeLauro, Congresswoman Mink, Congresswoman Morella, Congresswoman Blanche Lambert-Lincoln. I thank you all for being here.

This is an important day for me. This is an issue with which I have dealt as President, as a governor, as an attorney general, as a citizen, going for years with my wife to the shelters in our state for battered women and their children, and as a human being. And I have looked forward to this day for a very long time.

We spend a lot of time in Washington, and we are now having a great and fascinating debate about what the role of this government ought to be and how we're going to get into the next century, and how we're going to create opportunity for all the American people. This is a good thing that we're doing. It's exciting. And I'm having a good time. But, you know, let's be honest with each other. If children aren't safe in their homes, if college women aren't safe in their dorms, if mothers can't raise their children in safety, then the American Dream will never be real for them, no matter what we do in economic policy, no matter how strong we are in standing against the forces that would seek to undermine our values beyond our borders. This is key to everything else we want to do.

So I applaud the members of the Congress, and especially those who have been recognized already -- especially Senator Biden and Senator Hatch -- for recognizing that we had to take responsibility for trying to come to grips with issues that we ordinarily would think of as issues that belong to local law enforcement or local social agencies, or even to the privacy of the home.

When we were fighting so hard last year to pass the crime bill, with the emphasis on more police and more punishment and more prisons and more prevention, one of the things that almost got lost was the Violence Against Women Act. I think it almost got lost for a very regrettable reason in this day and time -- the Republicans and the Democrats weren't fighting about it. We really had a national consensus that we had to do something. And because we knew we had to do something and it passed, it was almost unnoticed.

MORE

But, you know, domestic violence is now the number one health risk for women between the ages of 15 and 44 in our country. If you think about it, it's a bigger threat than cancer or car accidents. The incidents of rape is rising at three times the rate of the crime rate. The FBI estimates that a woman is beaten in this country once every 12 seconds. And we know, too, that often when a spouse is beaten, the children as beaten as well.

For too long, domestic violence has been considered purely a private matter. From now on, it is a problem we all share. (Applause.) What are we going to do about it? The first thing we have to do is do what we can to prevent violence. One part of the crime bill I am proudest of will help in our efforts to stop repeat offenses against women. It will prohibit individuals with a restraining order against them from purchasing or possessing a gun. No ifs, ands or buts. (Applause.)

When crimes do occur, we must restore the rights of victims to their proper place. That means giving them the right to speak at sentencing hearings. And above all, it means helping victims rebuild their lives. We'll require sexual offenders to pay restitution to their victims. We must help people who suffer violence put their lives back on track and put the burdens on the criminals where they belong.

To help in prevention and in assisting victims, the crime bill establishes a Violence Against Women Office at the Department of Justice. Today I am pleased to announce that Bonnie Campbell of Iowa will be the first director of that office. As Iowa's first female attorney general, Bonnie Campbell helped to enact strong domestic violence and anti-stalking laws in that state. She worked with counties and college campuses to raise awareness about domestic violence. And she endorsed a victims rights amendment to the state constitution. A big part of her new job will be helping states and communities to deal with domestic violence.

Today we are making available \$26 million to help the states open rape crisis centers, to staff domestic violence hotlines, to provides victims advocates, to pay for more officers and more training. This is the first down payment on a six-year commitment of \$800 million for this purpose. (Applause.)

This is part of a report I should make at least to these members of Congress who are here about the crime bill. The work has already begun. In just four months we have awarded more than 16,000 police officers to half the police departments in America. We're taking guns and criminals off the streets. The three-strikes-and-you're-out law is being enforced in Iowa and in many other states throughout the country. In short, we are under budget and ahead of schedule. And I want more of that from our government.

We passed this crime bill with bipartisan support. And I'd be the last person to say that it's the end-all and be-all, the ultimate answer to all the problems of crime in America. But I will not permit the crime bill to be undercut. It is just starting to make a difference in the lives of America. We have to keep going. We have to make a difference in the lives of everyone, but especially the women and the children we are called here today to pledge our allegiance to protect.

Let me begin this introduction of Bonnie Campbell and end it with a simple thank you. It's hard to get anybody with good sense to leave Iowa to come to Washington. (Laughter.) And I thank her for doing it and for the shining example she has set in public service and for the excellent work I am confident she will do in this important position.

Bonnie. (Applause.)



POLICE EXECUTIVE
RESEARCH FORUM

FOR IMMEDIATE RELEASE

Date: March 20, 1995
Contact: Ellen Painter, (202) 466-7820, x 248

**PERF Supports Administration's Commitment
to Fighting Violence Against Women**

Washington, DC—As President Clinton announces the formation of a Violence Against Women Office at the Department of Justice and names its director, the Police Executive Research Forum (PERF) reiterates its support of the 1994 crime bill that included the Violence Against Women Act.

President Clinton and Congressional leaders made the fight against violent crime, including violence against women, and support for victims' rights a priority in the 1994 crime bill. The Violence Against Women Act combines tough federal laws with assistance to states and localities to fight violence against women.

According to Congressional hearings on this topic, crimes against women, such as domestic violence and sexual abuse, are rising at a significantly higher rate than the total crime rate. PERF, a membership organization of progressive police chiefs, is dedicated to finding ways for the police to work with other law enforcement professionals to control and prevent crime and disorder, including crimes against women. The formation of a Violence Against Women Office and the significant federal funds being made available to police, prosecutors, and victims services demonstrate a strong federal commitment to addressing the disturbing rise in crimes against women.

"As an organization dedicated to national leadership for crime reduction and prevention initiatives, PERF supports this administration's commitment to reducing crimes against women and other violent crimes," said PERF Executive Director Chuck Wexler.

PERF is a national, DC-based organization of progressive police professionals who serve over 40 percent of the nation's population and are dedicated to improving police practices through research, debate, and national leadership.

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FRATERNAL ORDER OF POLICE

NATIONAL LEGISLATIVE PROGRAM

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NATIONAL PRESIDENT

DONALD L. CAHILL, CHAIRMAN
NATIONAL LEGISLATIVE COMMITTEE

OFFICE OF THE DIRECTOR
OF MEMBER SERVICES

RICHARD A. (DICK) BOYD

Contact: James Pasco
202-547-8189

FOR IMMEDIATE RELEASE

FOP Praises Administration for Stance on Violence Against Women

Washington, DC (March 21, 1995)—The National Fraternal Order of Police has strongly endorsed the actions of the Administration to combat crimes against women. In a statement issued today, National President Dewey R. Stokes voiced his concern over the rapid growth rate of crimes such as rape and domestic abuse, and praised the President for strong positive action to curb the crime rate, protect victims from stalking or retaliation, pay for counselling, and guard their privacy.

"The Violence Against Women Act is a truly bipartisan step towards eradicating some of the most cowardly, emotionally and physically devastating crimes that can be committed against another person," Stokes stated today. "We've got to be proactive in any anti-crime effort. The creation of a Violence Against Women office provides the kind of central leadership that's needed."

The FOP is the largest police organization in the world, representing over 270,000 full time law enforcement officers.



News Release

National Sheriffs' Association

1450 DUKE STREET
ALEXANDRIA, VIRGINIA 22314
Telephone Number 703-836-7827
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Charles B. Meeks
Executive Director
Alexandria, Virginia

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For Immediate Release
March 21, 1995

NSA SUPPORTS THE VIOLENCE AGAINST WOMEN ACT

Alexandria, Virginia—The National Sheriffs' Association (NSA), representing the nation's 3,095 sheriffs and over 21,000 members, strongly supports the Violence Against Women Act (VAWA).

NSA and the sheriffs of the United States are committed to supporting this type of legislation that makes significant steps to help stop the violence that occurs and protects the rights of victims. Through the VAWA, new provisions in the form of tougher penalties will provide law enforcement officers with stronger tools to fight violence against women.

"These measures have not come soon enough," said Bud Meeks, executive director of the National Sheriffs' Association, "but they are definitely a step in the right direction."

We thank the President, Senators Joe Biden, Orrin Hatch, Barbara Boxer, and Ted Kennedy, as well as Representatives Pat Schroeder, Connie Morella, Louise Slaughter, Jim Ramstad, and Chuck Schumer for their leadership in making this an important component of the Crime Bill and passing it into law.

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THE SISTER WHO MADE AMENDS

Her Brother Killed a Woman. Now She's Fighting for Crime Victims

By Elisabeth Bumiller
Special to The Washington Post

On the warm summer afternoon of June 5, 1974, in the remote hills of Chenango County in central New York, a brutal murder occurred that would forever change three lives.

Wendy Cooper, a slight blond 16-year-old whose skull was crushed during an attempted rape, is now buried in Mount Hope Cemetery outside the small town of Norwich, N.Y.

Stephen Dale Pierce, the 19-year-old high school classmate of Cooper's who confessed to the crime, remains in prison after 20 years.

And Bonnie Campbell, Pierce's half sister, who testified in his defense at the trial, went on to become the attorney general of Iowa, a candidate for Iowa governor, and one of the nation's leading advocates for the female victims of crime. This spring, President Clinton appointed her the first director of the Justice Department's new Violence Against Women office.

Few people know the whole story of how Bonnie Campbell made the journey from a tragedy in rural America to a powerful platform in Washington. Today, two decades later, her mission is to stop the kind of crime her brother committed.

"It's a reminder of how fragile life is," Campbell says today. "And there are more victims than the very obvious victims. Without question, it's the most traumatic thing that's ever happened in my family. It really did motivate me,



Bonnie Campbell, director of the Justice Department's new Violence Against Women office, found the motivation for her work in the 1974 murder of Wendy Cooper, left, by Campbell's half brother Stephen Pierce.



seeing the pain of my family and the indescribable pain of the victim's family. In some strange way, it motivated me to go to law school. I certainly wasn't thinking, 'Well, I guess I'll get involved in victims' rights.' But I was thinking"—she pauses, considering her

words—"I feel like I need to make a contribution in some way."

Campbell, 47 and well turned out in a conservative business suit, is a mix of Iowa warmth and the judicious candor of an adept politician. She talks openly of the murder and her brother's trial, as she always has when the questions have come up over the years. She and Clinton did not mention the murder when they met before her appointment, but she says she submitted the information in the pe-

perwork that accompanied her application. "I think he knew," she

says of the president. Campbell did not hide the issue during her campaign for Iowa governor last fall, saying that it helped her to better understand the problems that cause crime.

Campbell's job was created under the Violence Against Women Act included in last year's \$30 billion crime bill. As the nation's first advocate against domestic violence, Campbell will oversee the distribution of \$26 million to pay for prosecutors, women's shelters, domestic violence hot lines, victims' advocates and rape crisis therapists—all part of what she calls a "community-based, multidisciplinary" approach to get the different players in the criminal justice system to work more as a team against crime.

Although crime in general has decreased in recent years, Campbell says violence against women is often not reported and still on the increase. "Most of the time women are injured by intimates," she says. "If you have stranger-to-stranger crime, that's the kind of crime that

cont'd.



BY LARRY MORRIS—THE WASHINGTON POST

Campbell in her Justice Department office:

"What is it that permits people to be violent?"

happens most often to men. We know what to do about stranger crime. We put on a heavier police presence, and we can watch the numbers go down. It takes a vastly more sophisticated strategy to deal with these intimate kinds of crime."

"Campbell should know. In the late 1980s, when she was chairwoman of the Iowa Democratic Party, she began receiving obscene phone calls and threatening letters from a man she didn't know. Sometimes she would give a speech and by the time she got home, the man would be on the phone, parroting her words. "It hadn't been covered by the media, so he had to have been in the room," Campbell says. "One time he was close enough to my husband and me at a grocery store to hear a really quiet conversation, and he quickly wrote out a note and hand-delivered it my office. But I didn't know what he looked like."

The worst moment came in January 1991, the night before she took the oath of office as attorney general. "He called me and told me he'd be in the audience and he sure hoped I actually got to take the oath," Campbell says. "It scared the living daylights out of me."

After that Campbell got the FBI on the case, and the man, seemingly aware he was under investigation, stopped pursuing her. But she still didn't know what he looked like until an encounter six months later. Campbell was at a Des Moines hospital for an annual mammogram and found herself on an elevator with a peculiar stranger. "He acted like he knew me," she says. "My stalker had a fetish about my husband. So he said something about, 'What's Ed doing?' And I said, 'Oh, he's still selling real estate and doing a little lobbying.' But something was ticking along in my mind that was uncomfortable. Then it dawned on me that this is not a friendly conversation we're having." When the elevator stopped, they both got off and she turned and looked at him carefully. "He said, 'Well tell Ed hello.' As he turned to go down the hall, I realized I recognized the voice." She has not seen him since.

During her tenure as attorney general, Campbell was the author of a 1992 anti-stalking law, one of the first in the nation. She also started a statewide domestic violence prevention campaign, helped to get the Iowa legislature to strengthen the state's domestic abuse statute

and increased spending on compensation for victims of crime.

The question is inevitable: Does she think of Wendy Cooper as she goes about her day?

"I didn't know her, so it's hard to even envision her," she says. "I think about her when I see families. I have spent a lot of my time with victims and survivors. I went to candlelight vigils almost any time I got invited. I would go and listen to their pain, and hug them, and it's just overwhelming, the grief. When I talked to them and heard about their pain, of course I thought about Wendy Cooper and her family."

The Victim's Father

Cooper's parents still live in Chenango County, a sparsely settled dairy belt that is home to 41,000 people, a number that has remained more or less unchanged for 100 years. Their oldest daughter grew up in Norwich, population 10,000, Chenango's largest town and county seat. By car Norwich is four hours and a world away from New York City.

Most of the small family farms are gone now, and a lot of the old industry too. Bonnie Campbell's generation has had to commute to jobs an hour away, either in Binghamton to the south or Syracuse to the north. Norwich's main street remains a modest collection of clothing stores and sandwich shops. At the southern end is the Chenango County Courthouse, the site of Stephen Pierce's murder trial and the place, 21 years ago, where Cooper sat outside on a park bench the afternoon she died.

Claude Cooper, Wendy's father, has his own perspective on Bonnie Campbell. "I'd like to hang her," he says in a flat, even tone over the telephone. "She's related to the guy who killed my daughter. I remember her from the trial. She was putting on a good front for her brother. Like he was an innocent, a good boy."

At the time of the trial, Claude Cooper was a forklift operator for a food warehouse in Norwich. Today, at 60, he works part time. The first he heard of Campbell's new job at the Justice Department was when a friend showed him an article about her in a newspaper. "I'm not too happy about it," he says. "Somebody with a background like that—I don't see how they get a job like that. The world is funny."

On the day she died, Wendy Cooper was in town to buy a paintbrush for her mother, and was walking home when Stephen Pierce picked her up in his car. Pierce was an average student at Norwich High School, an aimless sort who lived out on a farm in South Plymouth, nine miles away. He had a temper, but he had never been in trouble before, and his family, though poor, had produced offspring to be proud of. His older brother, Richard, was with the U.S. Army Signal Corps in Hawaii; his older sister, Bonnie, then 26, had left the family farm for Washington, D.C., in 1965, after scoring well on a civil service exam offered by a high school recruiter. College was not an option at the time. She had worked as a clerk-stenographer at the Department of Housing and Urban Development, then

cont. d

moved to the offices of two U.S. senators from Iowa, Harold Hughes and John Culver. In 1974, Culver sent her to Des Moines to run his office there.

Stephen Pierce had given Cooper and her younger sister rides home before, according to testimony at the trial, but Wendy had never been with him on her own. That day Pierce

drove her, alone, past her house to an isolated shale bank in the nearby town of Plymouth, parked the car out of sight and, according to his lawyer, ripped off her clothes. When she began screaming that she would tell, Pierce told police, he pulled her from the car toward a wooded area, found a rock, then struck her on the left side of the head. Seeing that she was suffering, Pierce said, he struck her again with a rock. Pierce threw Cooper's clothes next to her on the ground, then left the scene.

The body was not found until 3½ months later, when a couple stumbled upon it while exercising their hunting dog. Pierce, who had been questioned by police several times since Cooper's disappearance, was taken into custody the next day. Photographs in the Binghamton Press show a thin young man with pale skin, a slight mustache and long, stringy hair. The following March a Chenango County jury convicted him of first-degree manslaughter and felony murder.

As Pierce was being led away after hearing the verdict, he broke from sheriff's deputies and lunged for a window, shattering the glass. The scuffle could be heard but not seen in the courtroom, and at the sound of the breaking glass Pierce's mother screamed and broke into sobs. Her son was sentenced to 25 years to life in prison.

His sister Bonnie came back from Iowa for the trial, one of the most sensational the county had ever seen. She was a character witness for her brother, and she estimates her testimony lasted 10 minutes. "There was nothing to say," she says. "I'm saying he's a nice kid, or at least he was, and the prosecutor basically said, 'Now you haven't lived here since 1965, have you now? Thank you.'"

She sighs. "He was very much of a problem child, but not violent," she says. "He would sniff glue or kerosene until he passed out. When he was little, like 3 years old. Now why would anyone do that? It's a struggle to understand, as I think as a nation we're trying to understand what it is that we might do to try to interrupt this kind of violent behavior. But there's no way I could blame myself because I didn't really have any control. I wasn't there, I wasn't aware of how it was that he was growing up. I'm just sad for him."

She still looks back on her brother's crime with bafflement. "What is it that permits people to be violent?" she says. "I tried very hard to imagine what it is, and I spend time thinking about that in a professional way, too. Because I was raised by the same people, in virtually the same circumstances."

But the family circumstances of Bonnie Campbell and Stephen Pierce were not precisely the same, as Campbell herself and anyone else in South Plymouth will tell you. Pierce's two older siblings, Richard and Bonnie, were the children of his mother, Helen Pierce, and his mother's first husband, who had walked out

when Bonnie was a child. Pierce and his two younger siblings, Kevin and Karen, were the children of Helen Pierce and Joe Ray, a man who lived in town with his own wife and children. When he was growing up, Pierce's mother worked nights at an airplane parts factory, and he and his siblings were essentially raised by their grandmother. His mother's relationship with Joe Ray went on for 20 years, and she always thought he would marry her one day.

"Everybody thought he would," says Leila Mundy, who lives down the gravel road from Bonnie Campbell's old farm. "He would leave his wife and come and live with Helen for a while, and then go back to his wife."

Mundy is as baffled as Campbell about how Stephen Pierce went so wrong. "We always thought that he was an awful good kid," she says. "I still can't believe—well, you know, they really didn't have a father. Bonnie's mother had to work all the time, and when Stevie came along, they were sort of at loose ends up there. Grandma was getting older, and they really needed someone to be there with them."

Both Bonnie Campbell's mother and grandmother have died, as has Joe Ray. The family's 60-acre farm now belongs to the man their mother married after her relationship with Ray ended. From Mundy's place, you can look up the hill to see the small gray frame house that was Campbell's home, and the heap of lumber that was once the barn. Stands of maple and pine edge the unused fields. In the fading light of a cool April evening, the hills and woods are lovely.

"There are a lot of things about my childhood that I really look back on and love," says Campbell. "I mean I loved being in Upstate New York, in beautiful, beautiful country. I loved being in the country, running. I mean my memory of my childhood is running through fields of flowers."

The Killer

Gouverneur Correctional Facility is in another part of New York—in the empty plains on the far side of the Adirondacks, just 25 miles from the Canadian border. After 20½ years at a maximum-security prison near Syracuse, Stephen Pierce was transferred to this medium-security facility on April 18. He is eligible for parole in September 1999.

A reporter is searched and led to the medical building, where an interview will be held in a doctor's examining room, one of the few private spaces available. Waiting outside the doctor's door is Pierce, who says a tentative hello.

"I'll be out here if you need me," says a corrections officer, closing the door behind him.

Pierce is a fuller, grayer version of the 19-year-old in the newspaper photographs of two decades ago. He seems somber, a little nervous, with a long ponytail and aviator glasses, seemingly stuck in 1970s style. He has missed two decades of American life, years when his sister married, went on to college and law school at Drake University in Des Moines, rose up in Iowa

politics and focused her life on battling the kind of crime her brother committed.

"If something good did come of it," he says, hesitating. "I guess that's the only thing. I think Bonnie would always have found a way to help people anyway."

Through courses in prison over the 20 years, Pierce got a bachelor's degree in liberal arts from Syracuse University. He worked as a clerk in the prison library, taught remedial English to inmates, had a short story published in a prison anthology and is now working on a novel. He has become an educated, thoughtful, tortured man. His persona, at least for a 90-minute interview, offers no clues to his crime.

He is asked if he believes that prison rehabilitates.

"I didn't really want to get into the," he answers, "but when I realized what had happened—there is nothing in the records to indicate this, but at the time, I was tripping on acid, and my lawyer refused to let that be brought out. So when I realized what had happened, that was all the rehabilitation I needed. And it was all the drug therapy I needed. I would never touch acid again. But like I said, there is no sense bringing that out. Because it would look like I'm trying to dodge responsibility for my actions. Which I'm not. I know what happened."

Both Bonnie Campbell and her older brother, Richard, say now they believe drugs were involved with the crime, but neither mentions specifically that their brother was hallucinating on LSD at the time of the murder. Pierce's lawyer, Patrick Joyce, who still practices in Chenango County, said this week that he had no comment on the case. During the trial, Joyce said Pierce was suffering from "hysterical neurosis" when he killed Cooper.

Pierce has been out of prison three times in recent years—for his grandmother's funeral, to see his mother as she was dying of cancer, and then again for his mother's funeral. As he talks about the deaths, he begins to cry, and continues as he recounts again how he murdered Cooper. "After they all found out," he says of his family, still weeping, "I thought they would hate me. But they all stuck with me."

A Life's Work

Bonnie Campbell still speaks to her brother by phone once or twice a month. Over the years, he says, she has been a good sister to him. After she left for Washington back in the '60s she invited him down every summer for a three-week visit. He rode the bus from Norwich, met her boss Harold Hughes, and watched the Fourth of July fireworks from the Capitol lawn.

These days Bonnie Campbell has other things on her mind. Her husband, Ed Campbell, 60, a lobbyist and a former candidate for Iowa governor himself, who was treated for lung cancer in the '80s, suddenly fell ill last week, and is now in stable condition in a hospital in Des Moines. Friends say they think it may be an after-effect of radiation therapy, and that it looks as though he will recover. Campbell says her husband's cancer was the most awful thing that has happened to her since her brother's trial.

And yet she says the misfortunes in her life have hardly given her a gloomy perspective. On the contrary. "If it's true that the culmination of life's experiences shapes who you are, and I think it is," she says, "then those are experiences that have motivated me to do good things. So I think my life has been enriched. I wouldn't wish it on anyone else, necessarily, but a lot of good things have happened in my life too."

✓ Commerce Told to Act on Documents' Release

Judge Denies Request to Delay Delivery of Records on Brown's Trips

By Toni Locy

Washington Post Staff Writer

A federal judge denied a Commerce Department request yesterday for more time to release 30,000 documents dealing with Secretary Ronald H. Brown's trade missions to several nations.

In an abrupt ruling from the bench, U.S. District Judge Royce C. Lamberth gave the Commerce Department 24 hours to decide whether to waive a \$13,000 fee for photocopying the documents, which have been sought by Judi-

cial Watch Inc., a year-old nonprofit advocacy group, under the Freedom of Information Act. Initially, the department wanted four more months, but Assistant U.S. Attorney Bruce Hegyi said in court yesterday that the documents would be ready by June 12.

Judicial Watch wants the records to see whether businesses that made contributions to the Democratic National Committee were given preference over other companies by being invited on trips to China, South Africa, South America and the former Soviet Union.

Larry Klayman, an attorney and the

founder of Judicial Watch, said the Commerce Department ignored his requests for the documents since September, and accused the government of trying to keep the records from being released during "politically sensitive periods."

He said the agency did not want to release the records during last year's congressional elections and does not want to turn them over now as Attorney General Janet Reno ponders whether she will seek appointment of an independent counsel to investigate Brown's personal finances.

TO ALL DRC STAFF

Daily Points

March 21, 1995

COMBATING VIOLENCE AGAINST WOMEN



"I ran for President to restore the American dream for all Americans to ensure that each and every one of us has the opportunity to rise as far as our God-given talents will take us. And the only way to do this is to help all of our people lead safe and secure lives." President Clinton, March 21, 1995.

THE PROBLEM

- Every year, millions of women in the United States are victims of domestic violence or sexual abuse.
- An estimated 700,000 rapes or attempted rapes are committed every year, including rape and unreported rape.
- More than two-thirds of violent crime against women are committed by husbands, boyfriends or someone known to the victim.
- Children in violent homes are 1500 times more likely to be abused or neglected.

Less than half of all violent crimes against women are ever reported. Frequently, victims are left without immediate assistance or protection from perpetrators because of law enforcement's inadequate training and scarce resources. For too many women, the criminal justice system and social service provides have been unresponsive.

WHAT THE CLINTON ADMINISTRATION IS DOING ABOUT IT.

To respond to this national problem, President Clinton fought hard last year for the Violence Against Women Act (VAWA); it was passed with bipartisan support and signed into law. **This law is the most comprehensive federal effort ever to fight violence against women and to protect the rights of victims.** VAWA combines tough federal criminal laws with new resources for states and localities to fight violence against women. The President today takes new steps to implement this law:

- **A New Office Devoted to Fighting Violence Against Women.** The President will announce the formation of a new Violence Against Women Office in the Department of Justice and appoint a new director for that office. The Director will work closely with the President's COPS Director and community police officers to make neighborhoods safe again for women.
- **STOP Violence Against Women Grants.** The Administration will move over \$425,000 in grants to each state to bolster their law enforcement, prosecution and victims services to address violence against women.
- **A National Family Violence Hotline.** We will establish a toll-free hotline to provide information and assistance to family violence victims.

THE KANSAS CITY STAR

FOR YOUR INFORMATION

SUNDAY, APRIL 9, 1995

SECTION 1

They share stories of pain and **LESSONS OF SURVIVAL**

Women from all walks of
life triumph over abuses

By DENISE CRITTENDON
Staff Writer

In the winter of 1983 Sally Bell Stites secretly eased out of her Birmingham, Ala., home and headed for Kansas City. She drove for two days, pulling over occasionally to catnap along the side of the road.

It was an agonizing journey. Stites, despondent and nursing a swollen eye, was fleeing an abusive lover.

A year later her life wasn't much better. She was drinking heavily and seldom reporting to work. Days passed when she barely left her apartment.

Then she heard the news: A longtime friend named Pam had fatally shot herself in the head. That night, a weeping Stites made a choice.

"I decided either I was going to die young like Pam or I was going to live," she says.

She chose to live.

Stites, a 35-year-old songwriter and mother of two, is in Washington today reaffirming and celebrating that decision.

She is one of thousands of women participating in the



President Clinton named Iowa Attorney General Bonnie Campbell last month as leader of a new Justice Department office that will work to stem violence against women.

The Associated Press

National Organization for Women's first "Rally for Women's Lives." The rally, endorsed by more than 700 organizations, is being held to increase public awareness of "domestic, economic and political violence against women."

Bonnie Campbell says the rally couldn't have occurred at a better time. As the newly appointed director of the nation's first Violence Against Women Office, Campbell is preparing to seriously examine stalking, sexual assault, domestic violence and other crimes against women. The office, which is affiliated with the Department of Justice, will distribute \$26 million in grants to help states train law enforcement officers and establish services for victims.

Her mission, Campbell says, is to help battered and psychologically abused women regain control of their own lives.

"They don't have to do it alone," she explains. "There are advocates and support groups. It can be a long journey back from what many women describe as being at the bottom of the barrel or at the

edge of looking over.

"But they can empower themselves by turning to self-help groups, whatever it takes. Some people don't need any of that. They just wake up one day and say they've had enough."

Stites and Kansas City area women Vicki McDonald Bowers and Kathy Robinson describe their evolution that way: They suddenly woke up and fought back.

These days, Stites is happily married and lives in Kansas City, Kan. She helps coordinate several local support groups and spends her free time writing what she calls "survivor songs." That's music about people who have made it, people who rely on the power of their minds to deal with just about any curve ball life throws their way.

People who, like Stites, refuse to give up.

As a preteen, she was violently raped by a man who pretended to be a friend of her family's. Her attempts to expose him were met with ridicule and disbelief. She responded by hanging out with an older, wilder crowd. Her grades dropped. She became promiscuous. By the time she was 20 she had attempted suicide twice.

But, after her friend's death, Stites pulled out a tape recorder and spent the evening reciting and listening to positive statements about herself. She says the affirmations — part of a yearlong, nightly ritual — worked.

"My therapist had told me that I was programmed to feel bad about myself," she recalls. "So I decided that I would change the program. I didn't even know it was going to work. I just knew I had to do something."

Tearing down barriers

Twenty-two years ago Vicki McDonald Bowers, clad in high heels and high fashion dresses, toured the country as a runway model. She wore false fingernails and artificial lashes. Her daily schedule ran from photo sessions to appearances at shopping malls.

Ten years later she became a construction worker.

Bowers, a resident of Gladstone, experienced a series of life-changing crises in the mid-1980s. The Smithville home she shared with her husband and three children burned in 1983, leaving her family with nothing but the clothes on their backs. The next day Bowers' and her husband of 12 years separated.

Unskilled, unemployed and living with her mother, Bowers wasn't sure how she and her children would survive.

"We stayed with my mother for four months after the fire, and I had an anxiety attack," recalls Bowers, now 43. "I couldn't breathe or stand up. When I regained my composure, I decided then and there I was going to pick myself up and take control of my life.... I made up my mind that I wasn't going to die. I was going to keep on pushing."

Bowers decided to apply for a carpentry apprenticeship program. Several months later her construction-worker husband returned, and the family moved into an apartment. He left again a few months later; the following year, 1984, the Bowerses divorced. By then Vicki Bowers was well on her way to a rigorous new career.

"It (construction) was the only place I knew I could make the money I needed to raise three kids and provide them with the things they were accustomed to," she says. "I stayed focused on raising my children. That was my goal."

It wasn't easy.

When Bowers, dressed in jeans and sandals, showed up at her ex-husband's place of employment to apply for an apprentice program, several men were huddled around a table. She paused and told them about her opportunity. They laughed until they nearly cried.

Bowers ignored them, something she had to do often during her years hauling 90-pound beams and hammering wooden doors into place.

"It was extremely hard," she said. "I can't tell you how hard it is.... Eight hours of physical labor is tough, I don't care how physically fit you are. I cried all the way home for two months."

At night Bowers experienced excruciating muscular aches. Within months she had developed carpal tunnel syndrome, a wrist ailment. For three years she dealt with pain so agonizing it often woke her in the middle of the night.

"I would look at the clock and say, 'This time next week I'll feel better,'" she says. " 'This time next month I'll feel even better and this time next year, I'll really feel better and in 10 years, I won't even remember this.' That's my theory: If it's not going to matter 10 years from now, it's not important."

"My mother wanted me to quit, but I refused," says Bowers, who now owns a construction firm, CWC Inc., and is acting president of the Mo/Kan chapter of Women Construction Owners and Executives.

"It's real important to me to get the word out to other women that you can be whatever you want to be and do whatever you want to do," she says.

Making a difference

It hadn't occurred to Kathy Robinson, until she began therapy, that she was an abused child. She knew, at an early age, that she often felt neglected. She knew that when her parents divorced and her father gained custody of her and her two sisters, she didn't like the situation.

She resented her dad, a truck driver, being gone all the time and hiring live-in housekeepers to raise his daughters. She resented that most of the women were mean and temperamental.

One of them, she recalls, mowed the lawn while wearing cowboy boots and a bikini. She would beat the girls. She made fun of them. She hid their belongings and often prevented them from taking baths.

A timid child, Robinson remembers withdrawing and spending

nearly every waking moment in the basement room she shared with her sisters. This was her haven, a place where she could read and daydream and study. And fantasize about growing up and maybe one day even being somebody.

Maybe she could escape the pain of being such a lonely child, an impoverished little girl who attended school wearing tattered hand-me-downs and limping on an artificial leg. (Because of a birth defect, her right leg had been amputated when she was a baby.)

Robinson, a 26-year-old Independence resident, says her memory gets a little cloudy at this point. She's blocked out much of her childhood. Tried her best to forget it. She might not ever have faced it if a close friend hadn't pulled her aside and suggested she seek help.

"It (the abuse) was all I'd ever known, so I didn't really know I

Her song

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had been abused," she says.

In therapy, Robinson recognized for the first time that her life had been inordinately tough. She discovered that she hadn't experienced a genuine feeling of being loved. She had turned to books for solace, to education as a means of escape.

Robinson pulled all A's throughout most of high school, graduating near the top of her class at Blue Springs High. She went on to the University of Missouri-Kansas City on an academic scholarship. She had additional surgery on her right leg and spent months rolling herself around campus in a wheelchair. A few years later she was accepted at UMKC law

school.

But, for the most part, it was a struggle. She supported herself with three part-time jobs. During her freshman year, she discovered she was pregnant, and her daughter, Jacqueline, was born before she completed her final exams. Robinson married that year and continued her studies.

Again, problems surfaced. Robinson says her relationship deteriorated and the marriage ended abruptly. Her car was stolen. She barely had money to make ends meet. Yet she persevered.

Robinson, whose daughter is now 2, earned her juris doctorate last May. Most of her family didn't seem too interested in the graduation. A few of them, she says, are still wondering why she "wasted so much time in school."

But the way Robinson sees it, the world better get ready.

Kathy Robinson, a "survivor" and people's advocate, also is at the Washington rally today, making her voice heard as the volunteer president and public relations director of the support group V.O.I.C.E.S. of Greater Kansas City. She doesn't plan to stop there. She hopes to land a job that allows her to have greater impact. And she is going to "try and make a difference."

Groups give a helping hand

Several organizations in the Kansas City area assist families and individuals during tough times. Here are a few of the agencies that provide services or referrals.

■ The Coalition for Positive Family Relationships publishes a resource guide listing the titles and telephone and numbers of 270 support groups, family service agencies and other organizations in the metro area. For more information, call 362-6611.

■ The United Way Info-Line (Heart of America) provides information and referrals to non-profit food pantries and support groups as well as education and health services. Call 421-4980.

■ The Women's Employment Network is a 9-year-old organization designed to help low-income women become economically self-sufficient. Programs include job training, self-esteem building and basic adult education. For more information, call 531-7055.

Justices to Hear Appeals in Air-Crash Case

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — The Supreme Court agreed to decide whether relatives of victims of international air crashes may be awarded damages for the loss of their loved ones' affection and companionship.

The justices said they would hear a pair of appeals stemming from litigation over the 1983 downing of Korean Air Lines Flight 007 by a Soviet fighter jet. All 269 people on board were killed after Flight 007 traveled into Soviet airspace over the Sea of Japan.

At issue before the Supreme Court is a 1994 ruling by the federal appeals court in New York that relatives who have filed "wrongful death" suits may recover damages for lost companionship — but only if they were financially dependent on the victims.

The mother and sister of one Flight 007 passenger are challenging the requirement of financial dependence. Separately, KAL is arguing that damages for loss of companionship should never be allowed in international air disasters that occur over or on the high seas.

The Supreme Court will likely hear oral arguments in the consolidated appeals this fall and issue a decision late this year or in 1996. The high court's ruling could immediately affect more than 60 suits over Flight 007 still pending in U.S. courts; another 55 suits filed in this country have been settled, the airline's lawyers said yesterday.

The plaintiffs before the Supreme Court are relatives of passenger Muriel Kole. A federal-court jury in New York awarded a total of \$124,000 in damages to Ms. Kole's mother, Muriel Mahalek. The jury separately awarded \$251,000 in damages to the victim's sister, Marjorie Zicherman.

The U.S. appeals court in New York threw out the portions of those awards related to the survivors' grief. The Supreme Court declined yesterday to review that part of the lower court's ruling.

The justices will scrutinize the appeals court's decision that Ms. Mahalek couldn't keep the \$28,000 portion of her award for loss of companionship because she wasn't financially dependent on her daughter. The \$70,000 portion of Ms. Zicherman's award for the same type of damages could also be affected, although the appeals court didn't make a conclusive finding on whether Ms. Zicherman was financially dependent on her sister.

KAL contends that the appeals court misinterpreted U.S. maritime law to allow loss-of-companionship damages when there is financial dependence. The governing law, KAL insisted, should be the Death on the High Seas Act, which bars such damages. If the Supreme Court ultimately agrees with KAL, the ruling wouldn't necessarily apply to disasters over land, such as the 1988 terrorist bombing of Pan Am 103 over Lockerbie, Scotland. While acknowledging that possible limitation, KAL lawyer Andrew Harakas said he would ask the high court to establish a uniform rule barring loss-of-companionship damages, regardless of geography.

A treaty known as the Warsaw Convention ordinarily limits damages in international air disasters to \$75,000 per victim. But that cap doesn't apply to the KAL litigation because the airline was found to have committed "willful misconduct" when its plane strayed over Soviet airspace. The Warsaw Convention doesn't specify the categories of damages that are allowed in such suits, but U.S. courts have refused to allow punitive awards — meaning those designed to punish defendants — in international crash cases. (*Zicherman vs. Korean Air Lines Co., Korean Air Lines Co. vs. Zicherman*)

Affirmative Action

Separately, the Supreme Court declined to hear two cases on the politically hot topic of race relations. In one, the justices let stand a lower-court ruling that struck down an affirmative-action plan for promoting black firefighters and other municipal employees in Birmingham, Ala.

In the other case, the high court didn't disturb a \$425,000 jury award against the Duquesne Light Co. in Pittsburgh in a suit by a white employee denied a promotion. The company conceded that under the prodding of federal affirmative-action rules, it gave a preference to a black candidate for the promotion in 1988. But the white man, who then sued the company, lacked managerial skills and didn't suffer antiwhite bias, Duquesne Light contended. The jury verdict was affirmed by a federal appeals court, however, and

the justices yesterday declined to consider the matter. (*Duquesne Light Co. vs. Claus*)

The justices' actions in these two cases — taken without comment — weren't rulings on the merits, and they didn't create precedents binding on lower courts. An unrelated and potentially important affirmative-action case already is pending before the high court. It concerns the constitutionality of minority preferences in federal contracting; a decision is expected by late June.

The Birmingham affirmative-action plan used percentage goals to accelerate the promotion of blacks, who had historically been excluded from supervisory jobs with the city. A group of white firefighters objected that the goals constituted "reverse discrimination."

The case began when Birmingham was sued in the 1970s for discriminating against blacks in hiring and promotions. In 1981, the city settled the litigation by means of a court-approved "consent decree." Under the decree, Birmingham established a long-term goal of a fire department work force that was 28% black — matching blacks' proportion of the area's work force. To reach that mark more quickly, the decree set higher short-term goals for some jobs. For fire department lieutenant, the annual goal was set at 50% — meaning that for every white promoted, a black had to be promoted as well.

In 1982, whites filed suit claiming reverse discrimination. After years of litigation, the Supreme Court ruled in 1989 that the whites could attack the consent decree in this fashion. The fire department's 50%

