

# **VIOLENT CRIMES AGAINST WOMEN**

---

---

## **HEARING**

BEFORE THE

**COMMITTEE ON THE JUDICIARY**

**UNITED STATES SENATE**

**ONE HUNDRED THIRD CONGRESS**

**FIRST SESSION**

ON

**THE PROBLEMS OF VIOLENCE AGAINST WOMEN IN UTAH AND  
CURRENT REMEDIES**

---

**SALT LAKE CITY, UT**

---

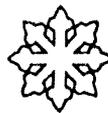
**APRIL 13, 1993**

---

**Serial No. J-103-11**

---

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

82-996 CC

WASHINGTON : 1994

---

For sale by the U.S. Government Printing Office  
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-045841-2

5521-24.

COMMITTEE ON THE JUDICIARY

JOSEPH R. BIDEN, Jr., Delaware, *Chairman*

EDWARD M. KENNEDY, Massachusetts	ORRIN G. HATCH, Utah
HOWARD M. METZENBAUM, Ohio	STROM THURMOND, South Carolina
DENNIS DeCONCINI, Arizona	ALAN K. SIMPSON, Wyoming
PATRICK J. LEAHY, Vermont	CHARLES E. GRASSLEY, Iowa
HOWELL HEFLIN, Alabama	ARLEN SPECTER, Pennsylvania
PAUL SIMON, Illinois	HANK BROWN, Colorado
HERBERT KOHL, Wisconsin	WILLIAM S. COHEN, Maine
DIANNE FEINSTEIN, California	LARRY PRESSLER, South Dakota
CAROL MOSELEY-BRAUN, Illinois	

CYNTHIA C. HOGAN, *Chief Counsel*  
CATHERINE M. RUSSELL, *Staff Director*  
SHARON PROST, *Minority Chief Counsel*  
MARK R. DISLER, *Minority Staff Director*

# CONTENTS

## STATEMENTS

	Page
Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah:	
Opening statement .....	1
Prepared statement .....	3

## CHRONOLOGICAL LIST OF WITNESSES

Panel consisting of Terri Orr, editor of the Park Record, Park City, UT; Loretta Baca, Salt Lake City, UT; and Georgia Hare, Fillmore, UT .....	6
Panel consisting of Commissioner Sandra N. Peuler, third district court, Salt Lake City, UT; Judge Michael Murphy, third district court, Salt Lake City, UT; Lt. Mark Zelig, Salt Lake City Police Department; Kimberly K. Hornak, Salt Lake County Attorney's Office; and Kristine Knowlton, Weber County Attorney's Office .....	24
Colleen Walker, Lieutenant Governor from the State of Utah .....	41
Panel consisting of Le Roy Franke, Department of Human Services, Family Services Division, Salt Lake City, UT; Debra Daniels, assistant executive director, YWCA, Salt Lake City, UT; Barbara Wood, executive director, Turning Point, Ephraim, UT; Patricia Millard, behavioral specialist, Monroe, UT; Diane Stuart, director, Citizens Against Physical and Sexual Abuse, chair, Domestic Violence Advocacy Council, Department of Human Services, Logan, UT; John Nelson, M.D., deputy director, Department of Health, Salt Lake City, UT; and Karen Nielsen, statewide coordinator for Volunteer Advocates for Victims of Domestic Violence, Salt Lake City, UT .....	47

## ALPHABETICAL LIST AND MATERIAL SUBMITTED

Baca, Loretta:	
Testimony .....	10
Prepared statement .....	13
Daniels, Debra:	
Testimony .....	50
Prepared statement .....	52
Attachment: Letter to Senator Hatch, from Julie Epperson, M.A., A.T.R., Coordinator of Therapeutic Services of Children of Battered Women, YWCA of Salt Lake City, Apr. 12, 1993 .....	53
Franke, Le Roy:	
Testimony .....	47
Prepared statement .....	49
Hare, Georgia:	
Testimony .....	15
Prepared statement .....	17
Hornak, Kimberly:	
Testimony .....	33
Prepared statement .....	34
Knowlton, Kristine:	
Testimony .....	36
Prepared statement .....	37
Millard, Patricia:	
Testimony .....	63
Murphy, Michael:	
Testimony .....	27
Prepared statement .....	29

	Page
Nelson, Dr. John:	
Testimony .....	74
Nielsen, Karen:	
Testimony .....	70
Comparison and contrast paper: "The Role of the Office of Social Services in the Coordination and Provision of Domestic Violence Services" .....	71
Peuler, Sandra N.:	
Testimony .....	24
Prepared statement .....	25
Orr, Terri:	
Testimony .....	6
Prepared statement .....	9
Stuart, Diane:	
Testimony .....	64
Prepared statement (with charts) .....	66
Walker, Colleen:	
Testimony .....	41
Wood, Barbara:	
Testimony .....	55
Prepared statement .....	56
Zelig, Mark:	
Testimony .....	30
Prepared statement .....	32

# VIOLENT CRIMES AGAINST WOMEN

---

TUESDAY APRIL 13, 1993

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
*Salt Lake City, UT.*

The committee met, pursuant to notice, at 10 a.m., at the YWCA, 322 East Broadway, Salt Lake City, UT, Hon. Orrin Hatch presiding.

## OPENING STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Good morning. I want to welcome all of you to this hearing of the Senate Judiciary Committee of which I am the ranking Republican. The topic of this hearing is Violent Crimes Against Women. Today we will be trying to find some answers to the following questions: How serious a problem is violence against women in Utah, have our Federal and State criminal justice systems adequately focused on this problem, and are current remedies and protections adequate? I believe this morning's hearing is an important hearing for all of us to become better informed on these issues, and I want to thank the YWCA for making these facilities available to us to hold these hearings. I deeply appreciate the efforts and enthusiasm shown by so many Utahns who have participated in putting this session together.

In this regard, I would like to especially thank my Women's Advisory Group and Special Study Group chaired by M. Karla Henman, which has been working with my office on this and other important issues. Also, I would like to thank the Senate Judiciary Committee's Chairman, Senator Joe Biden, who has sent his top staff here for this important hearing.

Now, violent crimes against women continue to be among the most underreported. The numbers are nonetheless staggering, and both Senator Biden and myself are very concerned about this, and there are a number of other members of the Judiciary Committee, and if I don't miss my bet all of them are equally concerned. A study by the Senate Judiciary Committee last year extrapolating a national figure from data maintained by certain States estimates that 1.13 million women in this country are victims of reported domestic violence each year, 1.13 million women. According to the Utah Commission on Criminal and Juvenile Justice, the number of reported rapes has increased from 331 in 1984 to 788 in 1991. FBI figures points that number at 808, a 24-percent increase from 1990.

Now, many attribute this increase to a greater awareness in the community in reporting rapes. However, we're sure that that does

not include all of the actual rapes which occur. According to FBI statistics, a Salt Lake woman stands a greater chance of being raped, that is 53.5 per 100,000, than someone in the District of Columbia, 38.8 per 100,000, or New York City, 35.7 per 100,000. Remember, ours was 53.5 per 100,000. The people in Utah don't realize this, and that's one reason why we're holding these hearings. Our rate statewide is 45.6 per 100,000, which exceeds the national average. Nationally there were over 100,000 rapes reported in 1991, almost a 4-percent increase over 1990, and this translates into one rape every 5 minutes in this country.

As horrifying as all of these numbers are, statistics alone hardly tell the whole story. They do not convey the feeling of fear and vulnerability that millions of women in our State and across this country must face on our streets and all too often in their own homes. The true human cost of this violence to the victims, to their children, and to society as a whole are immeasurable, and rather than victims, I would use the word survivors. But even just the immediate and measurable costs in terms of medical expenses, law enforcement and lost productivity, clearly we see the cost of early and effective intervention. As we in Washington, DC, struggle with how to allocate scarce resources, that fact needs to be kept in mind. Effective intervention in the area of domestic violence requires coordinated efforts by police, prosecutors, courts, and counseling. It demands a major commitment by government at all levels, Federal, State and local.

Last, but certainly not least, it demands a commitment by each of us as individual citizens and as members of the community. It demands that parents instill within their children some basic values of decency and self-control that will be carried into adulthood. Each and every one of us must begin to wake up to the fact that no man has a right to strike a woman simply because they share a house or apartment, nor does any woman have the right to strike a man, though that problem is less common. We must recognize that millions of women live in fear every day of their life that they are going to be violently assaulted by their companions. Now, all violent crimes against women must be recognized as such. Rape, sexual assault, and attacks by spouses and others all leave the same emotional as well as physical scars. Every rape, assault or other violent act against women affects the lives of all women in that particular community.

Now, I have the privilege of chairing this Judiciary Committee hearing today as Utah's senior Senator. I am here to listen to you and to compile a record to take back with me to Washington as the 103rd Congress considers major legislation dealing with a wide array of issues related to violent crimes against women. I want that record to reflect the specific concerns and suggestions of my fellow Utahns. But I'm also here as a concerned member of this community committed, as are so many in this room and across this State, to combating this crisis, this epidemic which exists in the home and in the streets, so I welcome all of the witnesses who will be with us here this morning. They come with a wide array of perspectives, expertise, experience, experiences and ideas. I especially want to thank those witnesses who courageously and unselfishly will come forward to recount their own experiences, the survivors

of this type of treatment. Doing so must be extremely difficult and painful, but please know that your testimonies will make a difference. They will make a difference for other women and other families. The number of actual witnesses is limited because of time constraints. However, we have invited all interested persons who wish to do so to submit written statements of reasonable length to be included in the official record, and we will include them, so those of you who feel you can add to the hearing record, please do so and we will include your statements in the record.

As we will hear from the witnesses, many across this State, in the public and private sector, have worked long and hard to combat this crisis, but we have a long way to go and there is much educating to be done, and thus, in addition to providing specific input to the committee relative to Federal legislation, I hope that this hearing will help to focus public attention on this issue. I also hope it will facilitate what is already an ongoing battle among so many committed citizens of this State on what more can possibly be done. The thousands of women at risk in this State require and deserve our utmost attention, and for these reasons I look forward to today's testimony.

[The prepared statement of Senator Hatch follows:]

#### PREPARED STATEMENT OF SENATOR HATCH

In this testimony, I will speak about the issue of domestic violence as I have experienced it professionally, how I have participated in my position at the State level as Coordinator of volunteer advocacy programs for victims of domestic violence, as cochair on a committee through the domestic violence advisory council aimed at implanting medical protocols for victims in Emergency Departments, and finally I will outline specific recommendations toward future legislation for this group as far as my understanding of current Federal Law will allow. I will open by commenting that without having a thorough understanding of the complex problems of domestic violence, any attempt at rectifying situations which emerge from this horror will fall short and be excused as mere "bandaid solutions." Domestic violence knows no boundaries; it effects every race, religion, and socioeconomic group. Violence in the home continues inter-generationally and often ends in death. In order to begin a dialogue about solutions, we must confront the insidious sources of violence in America, respond pro-actively against violence as a system, and re-educate our children toward nonviolent means of expression.

My professional experience with domestic violence began in 1991 when I began my internship for a Masters in Social Work at the YWCA in this very building. Much of my understanding of the plight of victims of domestic violence came from this introduction. From there, I participated as research assistant to an exploratory study on "The Potential for Advocacy for Victims of Domestic Violence in Utah" which I have submitted to you as part of my written testimony. To summarize, 42 victims of domestic violence and 17 legal, shelter, and law enforcement providers were interviewed to determine the degree to which victims were in need of advocacy. Advocacy was needed in 4 major areas: more education and information, more consistency with law enforcement, assistance throughout legal system, and ongoing support and followup. The rarity of such a research project emerging immediately into program development was realized with the creation, through a statutory mandate of my position with the Division of Family Services. Advocacy for victims of domestic violence includes: on-site support to victims just after law enforcement has arrested perpetrators, assistance with protective orders, accompaniment to court and social services, and on-going support, validation and contact. This advocacy program seeks to stop the cycle of violence prior to its re-entry into what psychologists call "the honeymoon phase," when victims often return to abusive situations.

Advocacy is needed in medical settings as well. Studies indicate between 25 percent and 37 percent of all women entering Emergency Rooms are there because of injuries incurred from intimate partners. Domestic Violence injuries to women exceed those of rapes, muggings and auto accidents combined. A need for responsible, pro-active intervention at this level may be addressed through Federal legislation which promotes professionals to report not only injuries that involve gunshot

wounds, homicide, and suicide, but any severe, bodily devastation perpetrated by an intimate partner. The reporting procedure I am suggesting needs to be protective of the victim's safety. If the victim does not wish to press charges, nor have any investigation from the law enforcement agency, this obviously needs to be taken seriously; however, a simple call and a report of the incidence if carefully done shouldn't have to endanger the victim. In the long run, this report along with complete documentation in medical records, may serve as admissible evidence in cases of domestic violence. This subcommittee of physicians, registered nurses, and social workers aims at implanting protocols in medical settings to ensure that the following components occur when a suspected victim comes in for medical attention: questions are asked directly, in an isolated location regarding the origin of the injury; assessment of lethality and a safety action plan is put in place; referral is made in the form of calling a law enforcement agency, advocate, shelter or social worker; and thorough charting of incident is made in medical records which includes the names of the victim and perpetrator, a complete description of all of the injuries incurred, and a notation that a referral was made. Protocols equal prevention. Prevention of further abuse may result in the saving of millions of dollars in medical bills, treatment, and even precious lives. We are working with several major medical groups in Utah to accomplish the task of getting these protocols out.

Now I will move to my specific recommendations regarding Senator Joseph Biden's impressive collection of safety proposals for women on the street and in the home and some other concerns and suggestions regarding advocacy for victims of domestic violence.

Violations of Protective Orders and Stalking Laws entered into a National Crime Information Center database allows courts the luxury of gathering information on abusive individuals in order to levy more severe punishment to these individuals assuming there is an accumulation of crime incidences. This process is a step in the right direction; however, the Senate needs to be aware that often a Protective Order is "just a piece of paper" according to the victims and doesn't stop the perpetrator from carrying out threats of violence, i.e., the Park City woman who was gunned down and killed recently in a Smith's parking lot also had a copy of her Protective Order in her purse. One violation of a Protective Order may end in the death of the victim. A more pro-active, anti-violence system's approach where abuse is reported by all professionals might be helpful in stopping the abusive couple from continuing in the cycle of violence.

In the section marked Title 1, Subtitle D, the "National Commission on Violence Against Women", section 2, lines 18 through 21, suggest that there needs be a mechanism of evaluation of court systems; with this evaluation I would add the necessity for a survey which might be conducted with County Attorney's Offices to assess all of the following: how many cases of domestic violence they serve, how many victims never complete the legal process, whether the agency ever pursues pro-actively, with or without a victim/witness prosecution against an abuser, and what is the agency's general attitude and perception regarding some of the myths about domestic violence, i.e., the victim is somehow responsible for the violent behavior. Many of the legal provider-respondents I interviewed in the research, and some I have chatted with since, have indicated to me the doubt they experience toward pursuing cases where the victim/witness wishes to drop all charges. The tendency here is to believe if the victim really wanted to go through with it, she would assertively press on throughout the process. The truth here is that victims of domestic violence are the least likely to pursue anything because of a deteriorated self-esteem, because of threats against their own lives or the lives of their children, or because of re-entry into the "honeymoon phase" when the abuser may be promising never to abuse again and the victim wants desperately to believe it. As one pro-active lawyer said, "when she says she wants to drop it, she's really saying 'I want to live!'"

In this same Subtitle, section 3, lines 24 through 25, state the need for evaluation of shelters and safe homes for victims of domestic violence. These evaluative standards should include: the facility's level anonymity within the community, the facility's safety features such as camera surveillance, and the relationship the shelter staff have with the local law enforcement agency. One standard needs to address whether or not perpetrators of domestic violence are being served in the same facility. This has occurred in our state, and one can see how this situation would certainly create a sense of unease for a victim seeking safety.

The issue of inter-state protection of victims logically fits into Federal legislative mandates. This seems a perfect issue to ring up for senatorial ears: Federal cooperation with victims of domestic violence who are seeking re-identification within national boundaries. Mr. Biden's Title II, section 221, "Interstate Enforcement", addresses enforcement against perpetrators who travel to commit spousal abuse, while chapter 110A, "Violence Against Spouses", Subsection 2265, "Full faith and credit

given to protection orders", implies that Protective Orders should be respected when the victim has fled several states in order to secure safety for herself and her children. This attitude which protects the victims and constructs clear obstacles for perpetrators of abuse needs to be carried a step further into what I will call "Federal advocacy for victims of domestic violence." This Federal advocacy spreads this "protect victims, prevent perpetrators" attitude to the victim's ability to gain a new identity in severe cases of domestic violence. I interviewed several victims who were real life "Sleeping With the Enemies" and needed new social security numbers, new names; they had in fact created totally different physical appearances for themselves. If a victim can prove that there is a history of domestic violence and she is fleeing for her life, Federal agencies should be more likely to assist her when there is a necessity for re-identification; this should include a general flexibility for Federal agencies to relinquish material to victims of domestic violence. The Federal Government could also create barriers to perpetrators of violence by "red-flagging" or otherwise identifying domestic violence cases to protect the whereabouts of the victim.

One cannot help but consider the children in these situations. The severe emotional trauma in which children who live in homes where they witness domestic violence should be criteria for "mental injury" under the Federal definitions for child abuse. If we are ever to stop the inter-generational cycle of violence, we must recognize the needs of these victims who wear no physical bruises but actually become victims and perpetrators of domestic violence in adulthood. Our ideas about the abused child need to expand to include children who observe, witness or otherwise experience severe abuse between cohabitating parental guardians. These ideas need to lead to policy which should clarify our role as responsible state agencies in our identification of and investigation of these unsung victims of child abuse.

I ask the Senate to gain a sensitivity to the victims of domestic violence. Since victims who receive treatment are never abused thereafter at a rate of 80 percent while perpetrators who go through treatment cease committing violence at a rate of only 40 percent (studies indicate), we can see that our attention is not wasted in our focus on assisting victims of domestic violence. Title III, "Civil Rights", section 304, "Sense of the Senate concerning protection and privacy of rape victims", clearly indicates by omission that victims of domestic violence have somehow fallen short of this consideration. This may be due to the even weightier stigmatization victims of domestic violence bear; the view that somehow the myths that "they have brought it on themselves, they had it coming, or if they had any sense, they would just leave" prevail. These are difficult spells to break. These spells keep us deep in a trance of inaction. But by understanding that victims of domestic violence are participants in a cycle of violence and often are suffering from the "Battered Women's Accommodation Syndrome," the air becomes a little clearer. Victims stay in these situations because they fear for their lives if they leave (studies indicate that the most lethal abuse occurs when the victim tries to leave, so we can see there are reasons to fear departure), they stand to face poverty, their disintegrated self-esteem won't allow them to make firm decisions, they may love the abuser and believe it is the duty of the wife to keep the marriage and the family together at all costs.

Senator HATCH. At this time, we will call to the witness chairs Terri Orr of Park City, Loretta Baca from Salt Lake City, and Georgia Hare from Fillmore, UT. If you three could come and take these three seats I'd be very appreciative.

I'm especially pleased to welcome this first panel. These three courageous women join us here today to share particularly painful, violent, and difficult chapters in their lives. It is my hope that other women who fear for their safety and that of their children will find comfort, hope and courage by hearing the witnesses recount their experiences. I know that those of us dedicated to improving the ability of government and community to meet the needs of women terrorized by violent crime will benefit greatly from the insights provided by these witnesses today.

We're very fortunate today to be joined by Ms. Terri Orr, the editor of the Park Record, from Park City, UT. Ms. Orr, like the rest of our panel, is a survivor of domestic violence. She lectures extensively and has written numerous award-winning articles and is

currently writing a book on domestic violence and her own personal experiences.

Our second panel member is Loretta Baca. Ms. Baca is also a survivor of domestic violence. The injuries she received were so severe that she continues to receive medical treatment for them 3 years later. She currently serves on the Domestic Violence Advisory Council for the State of Utah and actively consults and counsels young people on domestic violence and communication skills in personal relationships.

Our third panelist is Ms. Georgia Hare. Ms. Hare joins us in her capacity as both a survivor of violent crime and as a Social Service provider. Ms. Hare is an associate addiction counselor and licensed practical nurse providing drug and alcohol abuse counseling services.

So again, I want to thank each of you for being with us today, and I look forward to hearing from you this morning, and I believe this record is going to be much, much better because you had the courage and the willingness to come and testify and tell your stories, so let's begin with you, Ms. Orr.

**PANEL CONSISTING OF TERRI ORR, EDITOR OF THE PARK RECORD, PARK CITY, UT; LORETTA BACA, SALT LAKE CITY, UT; AND GEORGIA HARE, FILLMORE, UT**

#### **STATEMENT OF TERRI ORR**

Ms. ORR. Thank you. I appreciate being invited here to speak today. While often Senator Hatch's viewpoint and my differ greatly, if this bill proposes to work on solutions to domestic violence, I think that's a tune we can all play on. I'm currently writing a book about Nada Lee Noble, a woman who was abused for 20 of her 22 years of marriage, and eventually shot and killed by her estranged husband February 20 in Park City of 1990.

I decided that rather than try and explain in testimony how I came to this project I would simply read to you the working introduction of this book.

It hurts to tell this story. It is a throbbing kind of hurt you feel when you try to pat makeup on an eye that is blackened and swollen. It is a sharp hurt, like when you breathe in too quickly and feel the spot on your rib cage where you were hit. It is a hurt which forces you to turn your head gingerly because your neck aches from being thrown across the room.

In America a woman is beaten every 15 seconds. Over 4,000 women are killed each year by their abusers, and 2,000 men are killed by the women they abuse. It is the number one cause of injury to women, accounting for more cases in emergency rooms than muggings, rapes, and car accidents combined. In this country, one out of every two women have been or will be abused. It is an epidemic problem.

Nada Lee Noble's story traces the simple rural life of an abused woman. Was she a saint? Was she a fool? Perhaps a little of both. But now she is dead. Shot twice at pointblank range by Donald, her husband of 23 years. She left five children and one grandchild. And at 42 she was just beginning to figure out how to make it on her own.

I keep wondering where we met. Summit County is small, less than 12,000 people, and for 14 years I have been writing for newspapers here. I interview a lot of people, attend a lot of functions, drive along backroads in search of a good photo. I live in Park City, a born-again boom town, once a silver mining camp and now a four-season world class resort. Nada Lee lived in a house on the outskirts of the county on the edge of a national forest. A rock house Donald built with stairs everywhere and no two rooms on the same level, a house with no running water, no central heat, sporadic electricity.

My house is in a little subdivision, nothing special, but with all the ordinary things Nada Lee's house lacked, forced heat, showers, a washer and dryer, an absence of fear. I have a dependable car, a little college education and a circle of friends with whom I can confide most anything.

For the last 2 years Nada Lee worked two blocks from my office in a sporting goods shop where I occasionally bought jeans for my kids. Each morning she would drive into town and have coffee with her friends at a cafe where I often met sources for stories. I discovered she and I attended the same country western concert in town and sometimes frequented the same bar. Her daughter was enrolled in the same small high school my daughter attended.

And now, even though I have spent hundreds of hours talking to her parents, her siblings, her children, her friends, hours studying her face in photo albums, listening to her voice and watching her mannerisms on family videos, hours reading and rereading 17 years of journals she kept, her angular misspelled words in leatherlike diaries that served as confidante and counselor, hours in her abandoned home where again this year her garden flowered without her, now I don't know if I ever met her. I can only be certain I saw her once when they pulled the sheet off her body as it lay in front of the bags of coarse salt at the market.

Shot twice in the head with a .45-caliber pistol, Nada Lee was lying in a pool of darkening blood when I reached the crime scene. The soles of her worn cowboy boots were facing me and her plaid shirt was ripped open exposing her lacy black bra. In all my years of reporting I've never seen a body like that, so undeniably dead. And all that blood where her head should have been. All that blood.

I remember asking the police chief if the victim was a tourist or someone local. "Am I going to have a file photo of the woman?" His reply caught me off guard. "She wasn't a tourist, but I don't think you're going to have a photo of her. She was from out in the county. She's not one of us." But what I learned in my research is Nada Lee Nobel was very much "one of us." She worked here, played here, dreamed here. She got counseling here, groceries and gas. And now I am haunted by her. Nada Lee and I grew up States apart and at very different social and economic levels. We both married young and we both stayed in abusive relationships for years. We stayed, in part, because we didn't think we could do any better on our own and we hated like hell to uproot the children.

In my case, the kids and I eventually did just fine. When their father threatened to kill me and take the children, I knew leaving the marriage hadn't been enough, I would have to leave the State.

We left our family and friends and all that was comfortable in California and we started life over in Utah, where no one knew us or our past. My children have both become high school graduates enrolled in top colleges and working hard on separate ambitious goals. They are decent, kind, warm people whose company I enjoy.

Nada Lee's children are split up in foster homes and with family members raising her daughters and son. Her oldest daughter Amy tells me a year after her mother's death she still cries all the time, "only now the tears are silent." It is the same message I hear repeated when I talk to Nada Lee's grandmother, "I don't shed tears anymore, but I don't quit crying."

I tried to leave maybe three or four times before I really left. Nada Lee tried to leave numerous times too. And the last time, when Donald took a shovel and beat her and threatened to kill her, Nada Lee sought refuge in a women's shelter. Two weeks later, the afternoon she was set to move out into her own apartment, the same afternoon Donald was finally served with divorce papers and a restraining order, that was the afternoon he tracked her down, like the animals loved to hunt, and shot her in front of the market two blocks from my office.

I think somewhere our paths must have crossed, at the cafe or the gas station, or maybe we primped in front of the same mirror between sets of some country western band. I never knew to reach out, never knew to tell her I understood her pain, her fear, her desperation and even some of her dreams. I like to think I would have bought her a beer and laughed a little too loud and hugged her at the end of the night as I gave her a list of resources to call. But if the opportunity was there, I missed it. Because of her journals, I now know this woman's most intimate thoughts, desires, joys, fears and prayers, and I ache for a life taken too soon. So I can only hope to share her words that they might help another woman leave while she still can.

Nada Lee's story is different from my own to be certain, but there are some things we shared. Flinching when someone raises a hand to you knows no socioeconomic barriers. In every neighborhood, in every walk of life, and in silence as they hide their shame, thousands of abused women every minute of every day form a quiet kind of sisterhood.

This is just one woman's story. A simply country woman who wanted to write, who loved all the bounty she saw a loving God provide, who was willing to work hard to educate herself for a better life for herself and her children. Elements of her rural existence, as she took great pains to record them, occasionally may sound foreign to the reader, but her strong, honest voice comes through just as clear as the spring creek runs behind her house after the winter snows.

This book is dedicated to all the women who stayed and left for all the same reasons; shame, control, fear, lack of self-esteem, the children, born and unborn. Abused women will recognize Nada Lee.

She was one of us.

Thank you for your time. I hope the legislation proposed can help shed a light on some very dark parts of our society.

[The prepared statement of Ms. Orr follows:]

## PREPARED STATEMENT OF TERRI ORR

It hurts to tell this story. It is a throbbing kind of hurt you feel when you try to pat make-up on an eye that is blackened and swollen. It is a sharp hurt, like when you breathe in too quickly and feel the spot on your ribcage where you were hit. It is a hurl which forces you to turn your head gingerly because your neck aches from being thrown across the room.

In America a woman is beaten even 15 seconds. Over 4,000 women are killed each year by their abusers and 2,000 men are killed by the women they abuse. It is the number one cause of injury to women, accounting for more cases in emergency rooms than in muggings, rapes and car accidents combined. In this country, one out of every two women have been or will be abused. It is an epidemic problem.

Nada Lee Noble's story traces the simple rural life of an abused woman. Was she a saint? Was she a fool? Perhaps a little of both. But now she is dead. Shot twice, at point blank range by Donald, her husband of 23 years. She left five children and one grandchild. And at forty-two she was just beginning to figure out how to make it on her own.

I keep wondering where we met. This is a small county—less than 12,000 people and for thirteen years I have been writing for newspapers here. I interview a lot of people, attend a lot of functions, drive along backroads in search of a good photo. I live in Park City, a born again boom town, once silver mining camp and now a four season world class resort. Nada Lee lived in a house on the outskirts of the county on the edge of a national forest. A rock house Donald built with stairs everywhere and no two rooms on the same level. A house with no running water, no central heat, sporadic electricity.

My house is in a little subdivision: nothing special but with all the ordinary things Nada Lee's house lacked—forced heat, showers, a washer and dryer, an absence of fear. I have a dependable car, a little college education and circle of friends with whom I can confide most anything.

For the last two years, Nada Lee worked two blocks from my office in a sporting goods shop where I occasionally bought jeans for my kids. Each morning she would drive into town and have coffee with her friends at a cafe where I often met sources for stories. I discovered she and I attended the same country western concert on town and sometimes frequented the same bar. Her daughter was enrolled in the same small high school my daughter attended.

And now, even though I have spent hundreds of hours talking to her parents, her siblings, her children, her friends, hours studying her face in photo albums, listening to her voice and watching her mannerisms on family videos—hours reading and rereading seventeen years of journals she kept—her angular misspelled words in leather-like diaries that served as confidante and counselor—hours in her abandoned home where this year again, her garden flowered without her, now I don't know if I ever met her. I can only be certain I saw her once—when they pulled the sheet off her body as it lay in front of the bags of coarse salt at the market.

Shot twice in the head with a .45-caliber pistol, Nada Lee was laying in a pool of darkening blood when I reached the crime scene. The soles of her worn cowboy boots were facing me and her plaid shirt was ripped open exposing her lacy black bra. In all my years of reporting I've never seen a body like that, so undeniably dead. And all that blood where her head should have been. All that blood.

I remember asking the police chief if the victim was a tourist or someone local. "Am I going to have a file photo of this woman?" His reply caught me off-guard. "She wasn't a tourist. But I don't think you're going to have a photo of her. She was from out in the county. She's not one of us."

But what I learned in my research is Nada Lee Noble was very much "one of us." She worked here, played here, dreamed here. She got counseling here, groceries and gas.

And now I am haunted by her. Nada Lee and I grew up states apart and at very different social and economic levels. We both married young and we stayed in abusive relationships for years. We stayed, in part, because we didn't think we could do any better on our own and we hated like hell to uproot the children.

In my case the kids and I eventually did just fine. When their father threatened to kill me and take the children I knew leaving the marriage hadn't been enough—I would have to leave the state. We left our family, friends and all that was comfortable in California and we started life over in Utah, where no one knew us, or our past. My children have both become high school graduates enrolled in top colleges and working hard on separate ambitious goals. They are decent, kind, warm people whose company I enjoy.

Nada Lee's children are split up—in foster homes and with family members raising her daughters and son. Her oldest child Amy tells me a year after her mother's death, she still cries all the time, "only now the tears are silent."

It is the same message I hear repeated when I talk to Nada Lee's grandmother, "I don't shed tears anymore, but I don't quit crying."

I tried to leave maybe three or four times before I really left. Nada Lee tried to leave numerous times too. And the last time, when Donald took a shovel and beat her and threatened to kill her, Nada Lee sought refuge in a women's shelter. Two weeks later, the afternoon she was set to move out into her own apartment, the same afternoon Donald was finally served with divorce papers and a restraining order, that was the afternoon he tracked her like the animals he loved to hunt and shot her in front of the market, two blocks from my office.

I think somewhere our paths must have crossed—at the cafe or the gas station, or maybe we primped in front of the same mirror between sets of some country western band. I never knew to reach out—never knew to tell her I understood her pain, her fear, her desperation and even some of her dreams. I like to think I would have bought her a beer and laughed a little too loud and hugged her at the end of the night as I gave her a list of resources to call.

But if the opportunity was there—I missed it. Because of her journals I know this woman's most intimate thoughts, desires, joys, fears and prayers and I ache for a life taken too soon.

So I can only hope to share her words that they might help another woman leave while she still can.

Nada Lee's story is different from my own to be certain, but there are some things we shared. Flinching when someone raises a hand to you knows no socio-economic barriers. In every neighborhood, in every walk of life and in silence as they hide their shame, thousands of abused women every minute of every day form a quiet kind of sisterhood.

This is just one woman's story. A simple country woman who wanted to write, who loved all the bounty she saw a loving god provide, who was willing to work hard to educate herself for a better life for her and her children. Elements of her rural existence as she took great pains to record them, occasionally may sound foreign to the reader but her strong, honest voice comes through just as clear as the spring creek runs behind her house after the winter snows.

This book is dedicated to all the women who stayed and left for all the same reasons—shame, control, fear, lack of self-esteem, the children, born and unborn. Abused women will recognize Nada Lee.

She was one of us.

Senator HATCH. Thank you, Ms. Baca. If I could just interrupt for a second, Ms. Orr, as you carefully described, Nada Lee was stalked. Your testimony brought that up, and Senator Biden and I are writing an antistalking bill, and both of us are looking at that very carefully to make sure that we can come up with a very, very good way of helping in that area, but I just want you to know that there's some hope on that as well, and Senator Biden is leading very well in these areas, so I intend to help him every way I can. We've already had a hearing on it and it was a very dramatic and good hearing, so I just wanted to give you that encouragement that that's happening. Ms. Baca.

#### STATEMENT OF LORETTA BACA

Ms. BACA. Thank you. I want you to know that some days I do feel lucky to be alive, but I do have many days where I feel that I have been cheated too, so today is my day in court, and I'm going to give a brief summary of what happened and then some suggestions that I have.

On June 22, 1989, I was assaulted by Geno Acosta for over 3 hours. Inbetween that time, I was threatened to be killed throughout the night. He physically beat me, calling me names and prevented me from leaving the apartment. I was hit in the head with a rock, bit all over my body, smothered, smashed under the table.

He broke my glasses on my face, he pounded my head in the wall and at the feet of the table and stuck his fingers in my nose, all while saying that he loved me and wanted to kill me. Every time I screamed, he either smothered me or stuck his hand in my mouth and tried to force me to kiss him. Every time I tried to go to the door, he would squeeze me into strange positions. He was a wrestler. He eventually got tired. I think it's important to know that he was a karate expert who was well aware of the fact that sticking his fingers in someone's nose can seriously hurt or kill a person.

This man did many other strange things to me. I still have a hard time talking about what happened. I still have nightmares about that incident.

His only explanation for this incident was that he claimed that he was under stress and that he didn't want me to leave, because I had my stuff packed, because I realized that he was acting strange, so I was visiting in Utah, I had packed my stuff, and I was going to leave the next day when he assaulted me like at 12:30 at night when I was sleeping.

He also said that I loved my pet more than him and he was angry about it. He then told me that he was sorry for the argument and proceeded to try to bribe me with money so I wouldn't tell. Then he held me there all night long threatening me if I left the next day.

As a result, you know, I do remember thinking that was no argument, I just fought for my life, and that's how I felt, totally terrorized. I'd never had that feeling before. I really thought that I was going to die that night and no one would know why. In order for me to leave the next day, I had to make a decision to kill or be killed. I am glad it never came to that, but I am still haunted with that decision. I don't think that I should have been put in that position, and I still have nightmares about that too, and it still bothers me to this day that I had to make the decision to kill somebody in order for me to leave and to live.

As a result of this injury, I have left-sided weakness, I had to go through months of physical therapy, occupational therapy, I've had many months of speech therapy and counseling for the terror that I experienced. I wear a brace on my left hand, and 5 months ago I was told that I have to live with the damage, because it will never be the same. I've had to have work done on my jaw, my leg, and I still see double, and that's from the brain damage. Not only that, I had to heal from the bruises, the cuts, scratches, bite marks, the head injury and the emotional trauma, and at night I had to sleep knowing that this man stalked me for days, and whenever I would call the police and tell them he was stalking me, they would tell me there was nothing they could do unless he assaulted me, yet he was never picked up on the first assault.

He has never been held accountable for any of the crimes that he perpetrated against me because of the weak laws, poor practices of the hospital, the police department, and as well as the rude treatment I received from some of the city prosecutors.

I was treated like I was the one who had the problem, like I was the criminal. The hospital doctors were rude to me, made very rude comments to me while they were doing the physical examination, yet in their report it says nothing in it. There's hardly any evidence

that I was seriously hurt that night, and yet had they taken a proper statement, I could have used that in prosecution.

The police were more interested in knowing whether he had a drug problem or if he was on drugs than him assaulting me. I was also informed by a police officer as to why was I even filing charges, I'm a Hispanic female and that was part of my culture.

That was news to me.

I had a city prosecutor who would scream at me and shake his finger in my face. At one time he even touched my nose and told me that if I dropped charges he was going to come after me, and if I didn't show up or if I dropped charges he was going to file charges against me. Yet, charges were never brought against Geno when he never showed up to court. Nothing was ever done with him. He also said that the only reason I was filing charges was because I was mad at him, but I was probably already talking to him and sleeping with him.

I was appalled at these people and I vowed never to let anyone who is supposed to help me be mean or rude to me again, and I think the system should have helped me.

My suggestion, in addition to Senator Biden's recommendation and Senator Hatch's, is for a national response for domestic violence. Violence not only wounds physically, it degrades, terrorizes and instills a fear and inhibits freedom.

My second suggestion is the Boston Bar Association found that domestic violence attacks were at least as dangerous as 90 percent of felony assaults. My suggestion is we need less plea bargaining, charges should fit the crime, we need stronger assault and battery charges for domestic violence.

My third suggestion would be city prosecutors should treat each domestic violence case as an individual case. I was constantly told that 75 percent of you women drop charges, and that's all I would ever hear from him, and whenever I would say well, you're looking at one woman who is going to file charges, and he would say, that's what all of you say. They should work with victims and not treat them as though they are an unnecessary burden to the caseload. They should train their secretaries and lawyers on how to work with victims of violent crime.

My fourth one, national and local commercials. We don't need a dead body to respond to the growing problem of domestic violence. We need to help people before someone is killed, not look at it as a problem when somebody has been killed. We need to do something now.

My fifth one, people in the medical field should be educated about the issues of domestic violence. There should be extensive curriculum on this subject at the medical schools.

My sixth one, police officers should have only trained officers working in domestic violence and to work with survivors. Just this month I had two complaints of women who were being stalked. She has letters saying that her life is being threatened, and yet the police told her that there was nothing they can do unless her stalker hurt her.

My seventh one, we need a strong stalking law period. A class B misdemeanor is just a slap on the hand, and these men know it.

My eighth one, the reenactment of 1-800-333-Safe. We need that. That's the National Domestic Violence Hotline.

My ninth one, to educate junior high, high school and college students about the issues of domestic violence. Relationships start young and we need to start working with them and start helping them to lay down the ground work.

Number 10, domestic violence does not come in one language. Domestic violence pamphlets and commercials and advertisements should be in many different languages, and domestic violence is not part of anyone's culture, it is violence.

And then I just have a number 11, the need for transitional housing to fit the needs of the shelters. And number 12, I cannot express this anymore, is we need stronger laws.

Then I just have something to think about, and that is the March of Dimes has concluded that the battering of women during pregnancy causes more birth defects than all diseases put together for which children are usually immunized. More American women, rich and poor alike, are injured by the men in their lives than by car accidents, muggings and rapes combined. In Utah last year, 1992, there were 4,220 rapes, and yet in this year, and the year hasn't ended, we've had an increase of 51 percent. Women are more likely to be killed by her partner than to be killed in self-defense. There were 1,320 women killed, and only 622 who killed in self-defense, and you know those are different statistics. And thank you for letting me speak.

Senator HATCH. Well, thank you. We appreciate it. I just want to mention that the problem of violence crosses all socio and economic lines.

Ms. BACA. Yes.

Senator HATCH. And ethic lines as well. And again, violence against women is a crime, and we need to move toward that recognition in our society, and I believe you women are getting that across rather well, and I'm moved by your testimony.

[The prepared statement of Ms. Baca follows:]

#### PREPARED STATEMENT OF LORETTA BACA

On June 22, 1989, I was assaulted by Geno Acosta for over three hours. In between that time, I was threatened to be killed throughout the night. He physically beat me calling me horrible names and prevented me from leaving the apartment. I was hit in the head with a rock, bit all over my body, smothered, and smashed under a table. He hit my glasses and broke them on my face. He pounded my head into the wall at the feet of the table and stuck his fingers in my nose all the while saying he loved me and wanted to kill me. Everytime I screamed he stuck his hand in my mouth or he smothered me. He even tried to force me to kiss him.

Everytime I tried to go to the door he would squeeze me into strange positions for long periods of time (he was a wrestler). He eventually got tired and stopped. Being a karate expert, Geno Acosta was well aware of the fact that sticking his fingers in someone's nose can seriously hurt or kill. This man also did many other strange things to me. I still have a hard time talking about what happened and his only explanation for this incident was that he claimed he was under stress, he didn't want me to leave him, and that I loved my pet more than him. Then, he told me that he was sorry for the arguments and proceeded to bribe me with money so I wouldn't tell.

#### THE RESULT

I remembered thinking, "that was no argument, I just fought for my life." I really thought I was going to die on that night and no one wanted to know why. In order for me to leave the next day I had to make the decision to kill or be killed. I am

glad it never came to that. But, I am still haunted by that decision. I don't think I should have been put in that position.

As a result of this incident, I had to go through months of physical and occupational therapy. I have spent many months in speech therapy and counseling as a result of the terror I experienced. I also wear a brace on my left hand. I was told five months ago to live with it because it will never be the same. I have had work done on my jaw, my left leg, and I still see double. I had to heal from bruises and the emotional trauma from that night.

I have to sleep at night knowing that this man stalked me for days and has never been held accountable for any of the crimes that he perpetuated against me because of weak laws, poor practices of the hospital and police department, as well as the rude treatment I received at the City Prosecutor's Office. I was the one treated like I had the problem. The hospital doctors were rude to me. The police were more interested in his drug problem and when I found out, I decided to get my own place. I was also informed by the police that I shouldn't be so mad about Geno Acosta assaulting me because after all I was Hispanic and this is part of my culture. The City Prosecutor screamed at me, shaking his finger in my face, touching my nose, threatening me with charges if I did not show up to court. Yet, charges were never brought against Geno Acosta, even though he never showed up to court. The prosecutor also said that I was just doing this because I was mad at Geno Acosta and that I was probably talking to him and sleeping with him. I was appalled at these people and vowed to never let anyone who is supposed to help me be mean to me again.

#### SUGGESTIONS

- (1) There must be a national response to domestic violence.
  - As Senator Biden has written: "Violence not only wounds physically, it degrades, terrorizes, instills fear and inhibits freedom."
- (2) The Boston Bar Association found that the domestic attacks were at least as dangerous as ninety percent of felony assaults.
  - There should be less plea bargaining.
  - The charge should fit the crime.
  - We need stronger assault and battery laws for domestic violence cases.
- (3) The City Prosecutors should treat each domestic violence case as an individual case.
  - They should work with victims and improve their treatment by by the hospitals, YWCA, police department, and city prosecutors.
  - They should train their secretaries and lawyers on how to work with victims of violent crimes.
- (4) We should run national and local commercials—Public Service Announcements.
  - We don't need a dead body to respond to the growing problem of domestic violence; we need to help people before someone is killed.
- (5) People in the medical field should be educated about the issues of domestic violence.
  - There should be extensive curriculum on this subject at medical schools.
- (6) Police officers should have only trained officers in domestic violence to work with survivors. This month alone, I got two phone calls from women who were being stalked and they were told by the police that they couldn't do anything unless their stalker hurt them.
- (7) We need to pass a strong stalking law!!!
  - To prevent the crime.
- (8) The reenactment of 1-800-333-SAFE.
- (9) To educate Junior High, High School, and College students about the issues of domestic violence.
- (10) Domestic violence does not come in one language.
  - Domestic violence pamphlets should be in many different languages.
  - Domestic violence is not part of anyone's culture. It is violence.

In closing, I wanted to share a couple of thoughts:

The March of Dimes has concluded that the battering of women during pregnancy causes more birth defects than all the diseases put together for which children are usually immunized.

More American women (rich and poor alike) are injured by the men in their life than by car accidents, muggings, and rapes combined.

- In Utah there were approximately 4,220 rapes in 1992.
- In 1993 rapes have increased by fifty-one percent and the year is not over yet.

A woman is more likely to be killed by her partner than to kill in self-defense.

- 1,320 women killed.
- 622 women killed in self-defense.

There is a great need for transitional housing to assist victims. We need stronger laws.

Senator HATCH. Ms. Hare, let's go to you.

### STATEMENT OF GEORGIA HARE

Ms. HARE. Senator Hatch, ladies and gentlemen, I am pleased to be here to address this crucial issue of violence against others and in particular against women and children, and I certainly hope my voice lasts. I've been down with pneumonia for 2 months.

Senator HATCH. Ms. Hare, you might want to get just a little bit closer to that mike.

Ms. HARE. Can you hear me now?

Senator HATCH. Yes.

Ms. HARE. My decision and request to appear here today has been a long and painful one. I partly wanted to be here because of the long relationship I've had with you, Senator Hatch.

Senator HATCH. Yes, I appreciate that.

Ms. HARE. And your family, and knowing that you would have no idea what my personal life was like.

My main purpose in being in being here is because I have never reported the violence against me and I want other women to feel safe in being able to do that and knowing that they won't be discounted, they won't be told they're a liar.

Just as a brief introduction, I am a survivor of some child abuse. I don't want to go into detail about that. What I choose to tell you about is things that happened to me as a young adult.

I have one child, and the one that's the most important part of my life. My son was conceived in a 1-night experience with a man 10 years older than myself. I was left feeling after that night, that sex was to be painful and I was used and abused. I didn't even report what happened because I thought that was normal. I was left with bite marks and bruise marks on my breasts and the rest of my body for months. I was told constantly by the police or by other people that I was a tramp, that this was not the person who was the father of my child, but I knew differently.

Paternity was proven in the case of my son, but I never received a dime of support. The man left the country before my son was born and he's never seen the child, and I thank God today for that.

And because of those feelings, at the age 19, I just barely turned 19, I married a man that I barely knew. I felt that he would be the only person that would ever want me and I felt lucky to have this man want me in his life. He married me under a lot of false pretenses, telling me that he had other children and his wife had died when, in fact, none of that was true. Shortly after we'd been married, he beat my son and almost killed him. I didn't have the strength to report it myself, and my aunt took my child to the police, and he was taken away from me for a short time.

I eventually got my child back, but I stayed with that man because he promised it would never happen again. He never hit my

son again as far as I know, but he turned his anger toward me. I was frequently told that I was like a dog, I was too stupid to learn, I had to be beaten into submission. I was encouraged to work. I could say forced, but for me it was a way out of the house. I had no control of where the money was spent. He frequently flaunted other women in front of me. I stayed in that relationship for almost 5 years and was finally able to leave, but I didn't believe it would lead to a healthier relationship. One thing I haven't mentioned is I'm a recovering drug addict and alcoholic. That's why my story is so hard to me. I only have 6 years of being clean and sober. When, in fact, what happened, happened more than 25 years ago, but it's new to me.

I fought the pain by turning to alcohol and drugs, and after my husband I turned to prostitution. I've never spoke about this part of my life before today and it is very difficult. I felt that in some way it was getting back, that that's all they deserved. I don't know what happened, I thought we had a life of in fear.

One night I was in a bar and a man was trying to pick me up and I chose not to go with him, but he followed me to my car and forced himself in and drove us out to a secluded area where I was forced to have oral sex with him under threat of my life, and it didn't stop there. I was being called at work. I was getting calls at home. I eventually had to move and went back to my ex-husband because somehow that was even more acceptable. I kind of thought that's all life had for me, that there wasn't such a thing as happiness or such a thing as respect and honor, and I knew that I couldn't turn to the police from past experience from watching other women, and besides the abuse didn't stop with my husband, although he knew nothing of why I'd come back and knew nothing of what I'd done. As a matter of fact, it got worse, and it wasn't until he lost our home that I was able to leave him, and I packed up my child and came back to southern Utah to live. And I'm very, very lucky in that respect. I have a husband that women only dream of. I have a husband that supports me and respects me, and I've put him through a lot of difficulties, and it hasn't been, like I said, until the last 6 years that I've been able to leave the drugs and the alcohol that I've been able to deal with the events of my past and go on.

I work with women who are in abusive situations such as mine and it's my desire that all women can get the help if they need it and starting as children so that a child never has to live through what I did, with the fear of never going to mom and dad and saying this happened to me and it felt bad. Treatment has shown that if some action toward treatment is taken within the first 72 hours, a lot of positive response happens and it's easier to deal with, treatment is less lengthy and more successful.

I could go on about case histories about my own life, but I don't think that's necessary at this point. I've written a very lengthy statement, and I know that's going into the record. What I'm asking is that women be acknowledged and treated as first-class citizens that we are, and that we be able to receive the treatment that is necessary. One of the things that helped me the most is being able to receive treatment. I was not in a financial position. Many women don't have that. They're caught somewhere between having

insurance, having money, and qualifying for Medicare or Medicaid. There are many women caught in that great big crevice, and it is needed. Thank you for your time.

[The prepared statement of Ms. Hare follows:]

PREPARED STATEMENT OF GEORGIA HARE

Senator Hatch, ladies and gentlemen, I am pleased to be here today to address this crucial issue of violence against others and in particular against women and children.

My decision to make public my own story has been a long and painful process. Most people, including my own mother, have not heard the details of my story. I have chosen this time partly because of the long time I have personally been acquainted with you, Senator Hatch and I know that you have no idea of what my past was like, and because of the nature of this hearing and your work on a National Crime Bill. I feel it will make an impact on you and in turn you can make a difference with the other Senators. The other part this decision was made because I feel that by letting other women know that I too have lived a part of their stories and have been able to get the help I need to get on with my life and make it a happy and healthy one can hopefully make a positive difference in one of their lives.

When I requested to be selected to give verbal testimony to you today I spoke to one of your aides, Senator, and she asked if I wanted to give testimony as a victim. My instant feelings were that of complete helplessness and in processing that with her I came to the conclusion that if in my own recovery I called myself a victim that I remained in that status. I do not feel I am a survivor because to me that implies an end to my recovery and I feel that is something that will continue the rest of my life. I came to the conclusion that in order to empower me to continue forward and to prevent me from backsliding into old harmful behaviors the title most fitting was surviving or recovering. Therefore as an introduction to my story, I am a recovering, surviving victim of child sexual abuse.

In some of the early events in my life I do not or may not have known the names of the perpetrators. The first event must have taken place when I was about 4 years old and I use that age because I remember the event and the room in a house we moved from when I was about 5 years old. What I remember was being on bed with several older boys fondling me and feeling suffocated. The next event happened several times around the age of 8. At that time it was an older cousin constantly trying to force intercourse on me and his physically harming his younger brother—who was my age and best buddy—because he would intervene on my part.

I physically developed at an early age and may have looked older than I was. I started working at a local cafe when I was 15 and was emotionally traumatized when my father's competitor in business would reach across the counter to fondle my breasts and one salesman would catch me alone in the kitchen to touch me and try to kiss me. I realize at that age many teenage girls spend a lot of time flirting and appear to lead men on, but that was untrue in my case because I had a great fear of men, and had been in therapy and had spent several weeks in a mental hospital in Salt Lake because of suicide attempts.

I gave birth to the most beautiful baby boy and the most important person in my life when I was sixteen. My son was a result of a one time experience with a man 10 years older. I did consent but that experience was extremely painful. I still remember and can almost feel the bruises and bite marks left on my breasts. Although I had dreamed of having a large family, I was never able to have any more children. That was due in part because of the very difficult delivery because I was not developed physically and partly due to improper medical care afterwards. At the age of 23 it was necessary for me to have a hysterectomy.

I married a man I barely knew just before my nineteenth birthday. I remember having mixed feelings about him but was so afraid that if I didn't marry him no one would ever want me. Shortly after the marriage my husband beat my 18-month-old son because he wouldn't eat. I look back now in horror because it took an aunt to report that event to the police because I was too frightened. I didn't leave my husband and as a matter of fact the abuse didn't end there. He never hit my son after that, but beat me often. Seven months after the marriage we moved to Pennsylvania, where my husband was from. On the way there I found out that much of what I had been told about his family was a lie, but I still stayed with him and the physical and emotional abuse continued. I was frequently told that I "was just like a dog, too stupid to learn so I had to be beaten". I was required to go to work, but had no say in what or how the money was spent. After almost five years of living like this I finally, with the help of "friends", was able to end the marriage.

Prescription drugs and alcohol were a big part of my life since age thirteen and they became an even bigger part after the divorce. For about one year I spent a great deal of time in bars and prostituting myself. During that time one incident happened that changed my life. A man kept hustling me in a bar and I refused to go with him, so he followed me out to my car and drove us away to some secluded place and he forced me to have oral sex with him. I was scared for my life and never told anyone about it because he threatened my life. This was 1969 and I knew from past experience that I as a woman had no rights, partly because of the fact that I had been in a bar and partly because I was a divorced woman.

I went back to my ex-husband and stayed for a year. There were no changes even though they were promised. In fact the beatings were worse. (He did not know about the times I had prostituted myself.) I had moved to a house in the country during the time we were separated and he eventually caused us to lose the house. I then made the decision to move back to Utah. I knew that was the only way I could protect myself and my son. It was planned for my ex-husband to join us in Utah but I guess somewhere we both knew that would never happen and he stayed in Pennsylvania.

August 4, 1973, I married my present husband and started making a new life for my son and myself. I was still in denial that I had a drug and alcohol problem until a little over six years ago when my addiction hit its peak. My husband sought help for the both of us and admitted me into a treatment center.

My survival and ongoing recovery from the abuse of my past has, in a big way, been due to the fact that I had the love and support of my family and their financial ability and the necessary insurance coverage for me to receive inpatient treatment and several years of outpatient therapy. My parents spent a great deal of time and money seeing that I received therapy as a teenager, as has my husband. The past six years of my recovery from substance abuse, weight problems and the acknowledgement of the trauma from my past have been ongoing and difficult at times.

What keeps me from backsliding is the love, support and encouragement of my husband, family and friends, the continual work of my own program, which includes acceptance and accountability for my own actions, and learning from the experiences of my past.

A big part of my ongoing recovery from drugs and alcohol has been in the goals I set in treatment. One of which was to be in a position to help others in their own recovery. One of my goals began August, 1990, when I was hired by Central Utah Mental Health/Substance Abuse Center as a Substance Abuse Counselor-Treatment Co-Ordinator.

In this position I have time and time again been shocked by the frequency I have seen women who are victims of abuse. It is almost a given that a female client has or is in an abusive situation and in probably ninety percent of the cases that they have been victims of childhood sexual abuse, and in most cases the perpetrator is a family member.

I reside and work in a small rural county of around twenty thousand people and I could talk for hours about case histories of abused women. I would like to take just a few minutes of time and point out just a few of them. In one case a female in her early thirties, who had been abused by her husband, including a brutal rape, has also had to report and seek help for her teenage daughter, who has been the victim of a violent date rape. In another case a young lady is seeking help to deal with watching her step-father chase her mother down the street, shoot and kill her. This was just the end of watching her family, including herself, be violently abused. The step-father served only five years in prison and is now free. Another woman is trying to deal with knowing her father is free after raping her sister several times, resulting in a child being born. This lady also had a child as a result of date rape. Just recently a fairly new law has been passed here in Utah providing punishment in cases of marital rape. A young mother filed rape charges against her husband only to have the case dismissed by the judge because she consented to having intercourse because she was afraid of being beaten again. And finally there is the case in which a young mother was assisted in seeking shelter care because she was afraid of her husband, only to have the officer tell him that she was there. Thankfully, in that case the shelter was notified, she was moved and the husband did not take any action to find her.

One of the most effective courses of treatment is for a victim to report the violence and have the perpetrator prosecuted. For reasons of my own, in my case, I still decline to do this, but it is one of my strongest desires for other women to feel comfortable and safe in being able to take this step. For them to feel that they are not ridiculed or demeaned in any way by officers taking their report, or by attorneys prosecuting their case and by the judges hearing the case. And to know that there are laws on the books with penalties that can and will be enforced.

I have a concern of the death penalty but I do support it in appropriate cases. Those in which death of a victim occurs or in extreme violence against children. I encourage appropriate jail terms for those found guilty of crimes of violence. Because of my professional experience, I strongly believe in treatment, both for the victim and the perpetrator. In my own professional experience, I have found that perpetrators are or have also been victims. I realize that most victims have chosen to not commit violence against others but I feel that in some cases treatment for them is indicated.

I would like to thank you all for the hard work you are doing in this critical matter and for allowing me the time to tell my own story and to express my own concerns.

Senator HATCH. Well, I thank you. Georgia Hare and her husband have been friends of Elaine and mine for a long time, and I know how difficult this has been, but I've always admired you, and I want you to know that I'm very proud of you, and you Ms. Baca and you Ms. Orr, I'm very proud of all of you.

Now, each of you have lived the horror of being brutalized at the hands of somebody that you knew. As victims of violence in the home or, survivors is a better word, of violence in the home, could you please comment on the effects that acts such as these have, not just on women, but on the children who have to witness these terrible acts as well. Can we start with you, Ms. Orr?

Ms. ORR. My children were very young when I was abused and when I left the marriage. They didn't witness any abuse at the time. In my case it was much harder because I never told the children that their father was abusive until they were in high school, and at that point they already had an established relationship with him and he pretty much was your typical Disneyland daddy where you got to have slurpees for breakfast and bedtimes were something different on weekends when he had them, so it was very hard for them to accept, and it's been very hard for them to accept me writing this book, but they do understand, and it's something that takes a long time to work through.

Senator HATCH. Let me just add to that question, that first question. Are we creating a new generation of spouse abusers who have learned that spouse abuse is acceptable conduct because of what's happened in homes such as yours?

Ms. ORR. Well, certainly statistics show that. I think that there are a number of women that are survivors like myself who have worked very hard to parent differently. I don't think either of my children will be abusers or be abused.

Senator HATCH. Ms. Baca?

Ms. BACA. I don't have children, but I do know the impact of crime on victims to the kids at Decker Lake and other agencies, and the young students want to talk about domestic violence like when is the best time to slap your girlfriend, and I'll sit down and talk to them about when it's not good to slap your girlfriend and we get into it, and that's when I realize that nobody has ever sat down and talked to them about this. They're young and a lot of people don't think that young kids experience domestic violence in their relationship; so that got me started to help from a pamphlet that will be geared toward junior high and high school students, so when I go in to speak to them I can hand this pamphlet out so that they can start getting education on it, and I told the counselors at Decker Lake in assessment and observation that they need to talk to them about this, because nobody else will.

Senator HATCH. OK. Ms. Hare?

Ms. HARE. Absolutely. Unless there is some kind of education—they must receive some or they won't be educated. In my case my son is now 29 years old, and I don't think that he will ever be in that position. As a matter of fact, he is very strongly advocating in the opposite. As a child he would not even stand up for himself. He had to be encouraged to stand up for himself. And I have seen time and again in my profession that those people who are perpetrating violence have been victims.

Senator HATCH. Well, I think it's important that we teach all of our children that no husband or man has a right to raise his fists in anger or brutalize any woman. Unfortunately though, it appears that through the cycle of domestic violence that's going to just continue until we begin to address this problem.

The sexual violence provisions of the comprehensive crime bill that I've introduced, S. 8, contains a grant program which would provide money for schools to heighten awareness about domestic violence, and all three of you seem to be testifying that that might be a good idea. I'd like you to look at that bill or that provision and see if we can improve it in any way we can, because all three of you have every reason in the world to want to see that the legislation is right.

Now, as each of you have discussed, the sad truth is that too many women victims become victims of the judicial system. To what extent does our society place victims of domestic violence and sexual assault in the position of questioning whether they are to blame themselves for the terrible acts perpetrated against them?

Ms. ORR. I went through the process of trying to get a conviction, of trying to prosecute. When I was abused, it was almost 20 years ago. When I called the sheriff he asked, "Are you bleeding?" and I said "No," and he said, "There's really nothing we can do for you." I hope that we're a lot more enlightened as a society now, but in Nada Lee Noble's case the County Sheriff's Department had the restraining order and had the divorce papers for 2 weeks before they ever served them on Donald Noble, and during that time Nada Lee was here in this shelter. She thought those papers had been served when she left the shelter and when she went back to work, and, in fact, those papers were served at 4 o'clock the afternoon she was killed. Donald got in his car, drove to Albertson's and shot her at 5 o'clock. Had the system worked a little better, Nada Lee might still be here.

Senator HATCH. Ms. Baca.

Ms. BACA. I feel the same way Terri Orr feels. I was shocked to find out that one time that the man who assaulted me was served a warrant for a parking ticket and I was told there was room in the jail for it, yet when I asked him "Why aren't you serving him a warrant for him assaulting me?" I was told there was no room in the jail, and this was the same day within a half hour of the two phone calls, so—and the treatment that I got—I was appalled. I was told to expect it, that that was going to happen, but I didn't know it was going to be this bad.

Senator HATCH. And you were treated almost like it was your fault rather than the perpetrator's?

Ms. BACA. All the way. All the way, including at the hospital when I was getting the physical examination; the doctor kept making comments like I don't want to do a full examination because she is from the Y and she most likely will be back in 2 weeks to a year and she'll go into another relationship.

Basically, he talked about who I was and didn't even know who I was, and so he didn't take a full report. And that's what angers me here; if this man was serious about me filing charges and leaving, he should have at least taken a proper report and given me a full examination, because I had cuts in my hair and my head was matted with blood. No one even checked the fact that I had a dilated eye, and you know that showed that I had brain damage and nobody even documented that. All they kept saying was, why do you keep repeating yourself, and I later found out that that was from the brain damage.

Senator HATCH. Ms. Hare.

Ms. HARE. I've seen repeatedly that even if these two take a report and it goes to court and justice is being taken, I have a letter from a lady that this happened to recently. There's a pending new law in the State of Utah dealing with marital rape, and from my understanding in Millard County this is one of the first cases that's been tried where the lady has been beaten repeatedly by her husband and then consented to having sex and didn't know that there was a law against it, reported the incident to the police, but charges weren't filed against him, and the judge threw the case out of court.

According to the newspaper article, the judge said that the victim changed her mind after the assault and, therefore, it must not be rape, and I have written this and I will give this to you, my notes and a letter from the victim in this case.

Senator HATCH. Without objection, we'll make that part of the record.

[The letters and notes of Ms. Hare are retained in subcommittee files.]

Senator HATCH. Now, all of you have had experiences dealing with domestic violence and circumstances related to domestic violence. As you have discussed, there are a number of preventive measures that could be taken in this area. But if you had the choice of one or just a few prevention measures that might work, what would you choose, and you can expand that to as many as you want, but could you just give us your best idea of what you would like to see done here. We'll start with you, Ms. Orr.

Ms. ORR. Prevention is an interesting word. I think it's really education. I think it always comes back to education, and I think the more information that is made public in the schools, in the churches, in places where people gather, so that women of all walks of life aren't embarrassed and ashamed to get that information and to get the help they need.

When I finally chose to get divorced after I had been abused for 6½ years, I told only two people. I told my lawyer and my minister about the abuse. My minister said his job was to counsel marriages to work, but in this case he would do whatever he could to make sure the children and I were safe, and he thought I should proceed with the divorce, but there was a caveat, and he said just don't tell

anyone you were abused, no one will believe you, simply say you grew to be different people, and I told that lie for about 12 years. I think that education is the best prevention.

Senator HATCH. Thank you. Ms. Baca.

Ms. BACA. Stronger laws. They need to take responsibility and accountability for their actions.

Senator HATCH. Thank you. Ms. Hare.

Ms. HARE. Somewhere I think it is a combination of all. I think it starts with education and therapy is a very important part both for the victim and the perpetrator, and I also believe that stronger laws are and can and will be enforced.

Senator HATCH. OK. Thank you. Now, some have suggested that there is less spousal abuse in small towns, since people tend to know more about each other's business they say. Now, do any of you have any view on this and is domestic violence a serious problem in Utah's smaller towns and the rural communities? We'll start with you again, Ms. Orr.

Ms. ORR. I've now been speaking on this topic for about 2 years in small towns and large towns in Utah, and there's never a time that I speak that women don't come up to me afterwards and say I've never told another woman this before, I've never told anyone this before, and they tell me about their abuse, women judges, women lawyers, women doctors in small towns like Park City and Coalville and Heber and Kamas, and big towns like Salt Lake City and St. George and Cedar City. I don't think it's anything that gets limited to women of color or women of a certain economic level or women who live in a certain population base.

Senator HATCH. Thank you. Ms. Baca.

Ms. BACA. I think women in small towns work extremely hard in trying to keep it quiet because everybody knows their business.

Senator HATCH. Ms. Hare.

Ms. HARE. I've seen so much of it coming from a fairly small community. It goes on and on. I think the other part of that is somewhere along the line we have the idea in a small town in Utah that that can't happen, and I think people work even harder to keep this.

Senator HATCH. Well, I want to thank each of you as survivors for coming here and being willing to tell your really unfortunate experiences. This is very meaningful to us on the Senate Judiciary Committee and I know Senator Biden, the chairman, and I as ranking member will do all within our power to try and pass legislation that will help in these areas. Your testimony here today is extremely important, because I think it will add the incentives to do even a better job than what we have done in the past, which I think is pretty pathetic—what we've done has been pretty pathetic—and I think we'd better do more in this area.

Each of you has made a tremendous impression on me, and I'm sure when Senator Biden reads this it will just burn within him that much more to try and help resolve these problems in ways that will benefit our society; so thank you very much for coming. We really appreciate having you here and I commend each of you for your courage.

Ms. ORR. Thank you for your time.

Senator HATCH. I'm pleased to welcome this second panel that is here today and appreciate their taking time to share with us their perspectives on this pervasive problem. This panel represents a spectrum of those in law enforcement who deal with the problems associated with violence against women on a daily basis. They will hopefully give us a good overview of how the system works and where the improvements are needed.

We are fortunate to have with us this morning Commissioner Sandra Peuler who has served in the third district court here in Salt Lake City since 1982. In her capacity as commissioner, she hears numerous family law cases involving both divorce and spouse abuse and conducts civil commitment hearings for the court. Accompanying Ms. Peuler is one of our great judges in this State, Judge Michael Murphy, who has served on the third district court bench since 1986 and has been presiding judge for the past 2 years, and personally I have a great deal of respect for him. Both Commissioner Peuler and Judge Murphy serve on several task forces that address various aspects of violence against women.

You can all just come to the witness chairs, I'd appreciate it. Next, we welcome Lieutenant Mark Zelig, Assistant Division Commander with the Salt Lake City Police Department. Lieutenant Zelig served with liaisons and domestic violence agencies in the State. In this capacity, he coordinates law enforcement activities with prosecutors and the court as well as treatment facilities that deal with the growing problems of domestic violence.

Our next panel member is Kimberly Hornak, who joins us today in her capacity as the Deputy Salt Lake County Attorney. Ms. Hornak has been with the County Attorney's Office since 1988 and has prosecuted a wide variety of felonies and misdemeanors that incorporate and include violent crimes against women. Ms. Hornak has also had experience with domestic and spouse abuse problems in her work with the Utah Legal Aid Society and the Utah Attorney General's Office.

And finally, we welcome the second prosecutor, Kristine Knowlton, with the Weber County Attorney's Office. Ms. Knowlton has had extensive experience as a Juvenile Court Prosecutor. In addition, since 1984 she has screened criminal cases for filing in Weber County and has supervised the screening of numerous cases since 1992, so I want to thank all of you for being here, I look forward to hearing from each of you, and this in addition to our first set of women, this is an extremely important part of this hearing, so Ms. Peuler we'll start with you first. Ms. Peuler, you'll have to pull that mike over a bit and then we'll go right—could I also, before you begin, mention Karla Henman who just came in. Karla, where are you? Right there. Karla has headed our task force on this and she wasn't here earlier and I just want people to realize the effective role she and her task force are playing in trying to come up with the right legislation here, and we look forward to hearing from you law enforcement people and counselors so that we can get the best from you as to what we can be doing about these matters, so Ms. Peuler, we'll turn to you first.

**PANEL CONSISTING OF COMMISSIONER SANDRA N. PEULER, THIRD DISTRICT COURT, SALT LAKE CITY, UT; JUDGE MICHAEL MURPHY, THIRD DISTRICT COURT, SALT LAKE CITY, UT; LT. MARK ZELIG, SALT LAKE CITY POLICE DEPARTMENT; KIMBERLY K. HORNAK, SALT LAKE COUNTY ATTORNEY'S OFFICE; AND KRISTINE KNOWLTON, WEBER COUNTY ATTORNEY'S OFFICE**

**STATEMENT OF SANDRA N. PEULER**

Ms. PEULER. Senator, thank you for inviting me to participate this morning.

Senator HATCH. Would you pick the mike up just a little closer or get in a little closer to it! Can the people in the back hear? I was told I'd better speak up a little bit more myself.

Ms. PEULER. I can't pull it, so I guess I'll lean in closer. As a court commissioner I hear civil protective order hearings after a temporary order has been signed by one of the judges, and I thought since we have two prosecutors here this morning that I would focus more on the civil cases that are heard. In the early 1980's when civil protective order cases were first heard in our court system, there were very few cases actually that I've heard. The spouse abuse laws that we had at that time providing for civil protection were virtually unheard of.

By 1989, however, the domestic violence cases numbered some 530 cases in Salt Lake County being filed that year, and between 1989 and 1992 there was a 71-percent increase in requests for civil protective order cases with over 900 cases filed in Salt Lake County. Based upon the number of filings we've had so far in 1993, it appears as though we'll have over 1,000 protective orders filed.

Senator HATCH. So the cases have gone up extensively?

Ms. PEULER. The cases have increased dramatically over the years.

Senator HATCH. And that doesn't even begin to touch all the cases that undoubtedly exist?

Ms. PEULER. That's true.

Senator HATCH. These are the ones where people actually come in and take the time and have the courage to come in and complain?

Ms. PEULER. Absolutely.

Senator HATCH. OK. Thank you.

Ms. PEULER. My experience with the civil protective order hearings is that there are many victims who usually will fail to follow through. As an example, I reviewed one of my recent calendars that I heard. There were 11 cases in which service of process had been affected on the defendants, and of those 11, in 6 of them both parties were present, in 4 cases neither party appeared, and in 1 case the defendant appeared without the plaintiff. Of the 11 cases, protective orders were entered in 4 of them, two plaintiffs asked me to dismiss their case, and nothing happened in the 4 cases on which no one appeared.

I've thought about why women drop out of the system and fail to follow through with a protective order, but the reasons that I hear vary. They include I had no transportation to court, I had no child care arrangements for my children while I was in court, I was

afraid to remove my husband from the home because he's my sole primary provider of income, and sometimes frankly I think the process also ends up being frustrating and intimidating for women who must go through the court process alone.

The most common reason I hear, however, is that the abuser has agreed to get counseling. When the protective order signed by the judge is served on the abuser and he is removed from the home, the violence has temporarily stopped, and many women who want to keep their families together are hopeful that this will continue. They're worried that if they follow through with their civil protective order case that that may harm their chances for ultimate reconciliation and their ability to keep their families together, so they're hopeful that the temporary cease-fire will become permanent. What we see though in repeated case filings is that it doesn't occur without intervention and treatment. I think that the court's first priority ought to be with protecting the victims and stopping the violence, absolutely.

There are two things that I would suggest as being the most important things we can do within our system to do that. First, I think we need to have a system of helping women get through the system a little better than we have in the past. There are some court systems too that have a victim advocate program, someone who is on call, someone who assists and encourages the victims to follow through, someone who refers them for counseling, someone who provides them with information that they might need for financial assistance or shelter. These courts that have had this program have seen a dramatic increase in victims following through with the system and obtaining the protection that they need in separating themselves from the abuser.

I think the second most important thing we need to do is to have treatment programs available and counseling for both the victim and abuser. I'm aware that there is a fairly effective program in West Valley City. There is no program, however, currently in Salt Lake City available to treat abusers and victims unless they can afford to pay for that service, and I think that what we see is without intervention and treatment the violence is going to be repeated and these people will be back in the court process either in civil or criminal cases. Thank you for the opportunity to be here.

[The prepared statement of Ms. Peuler follows:]

#### PREPARED STATEMENT OF SANDRA N. PEULER

Every state jurisdiction has enacted legislation providing civil protective orders for victims of domestic violence. Our jurisdiction has seen a dramatic increase in applications for protective orders since implementation of spouse abuse legislation in 1979. From one commissioner spending approximately one hour hearing three to six cases per week in the early 1980's, we now have three commissioners holding hearings every week, with each commissioner hearing an average of ten cases. In 1989 there were 530 spouse abuse cases filed in Salt Lake County. By 1992 those filings had increased 71 percent, to 907 cases. By the end of 1993, there should be well over 1,000 filings.

Why such an increase? Law enforcement officials now routinely refer victims to the civil protection process; other community groups, agencies, and attorneys also provide referrals to the court. There is much more information generally available to the public about incidents of abuse, as well as more knowledge about civil orders and the protection they provide.

Although more victims begin the civil process now than several years ago, many of them fail to follow through. On a recent spouse abuse calendar of eleven cases,

the following occurred: in five cases both parties were present; in four cases neither party appeared; the defendant appeared in one case without the plaintiff; and in the last case, the attorneys had agreed to continue the hearing. Of the eleven cases, there were protective orders entered in four cases, two plaintiffs asked the court to dismiss their cases, one was continued, and nothing occurred in the four in which neither side appeared. Why the dropout plaintiffs? Many victims have difficulty handling the court process without assistance. Although most judges are courteous and sensitive to victims' needs, the procedure required to complete the protective order process is time consuming and may be frustrating. Many other victims become dropouts in the process because of promises by abusers to reform or obtain counseling. Fueled by a desire to keep the family together, victims want to believe that abusers' behavior will improve. After the ex parte order is served on the abuser, the violence does, temporarily, cease. Victims then dismiss the court action, hoping that the temporary cease-fire will be permanent. Other victims have no transportation to court, no child care arrangements, or are afraid to lose the family's financial provider by having him removed from the home. To a frightened victim, any of these barriers may make the court process seem too difficult to pursue.

At the protective order hearing, some abusers acknowledge their culpability. Many others, however, deny or minimize the abuse. Another common response is to blame others, most often the victim, or to blame the abuse on excessive alcohol or drug use. Many abusers seek to have the court enter mutual protective orders against both of the parties. Not only does a mutual protective order minimize the abuse the victim suffered, it causes problems with enforcement. Law enforcement officers are reluctant to enforce a mutual order, perceiving both parties to be "bad actors."

As in any family law case, a spouse abuse proceeding has issues in addition to protection. In most instances, the court must also rule on temporary possession of the marital home, furniture and cars, custody and visitation of the children, and further determine who will pay bills, how to set a child support amount, and whether alimony is needed for a dependent spouse. Often these issues must be determined with little information about the parties. Often, neither party has legal representation, there are factual disputes about the other party's care of the children, there is no financial documentation, and a dependent spouse may not even know the amount of the monthly mortgage payment. Add to that the fact that the victim has been frightened and perhaps injured, and is in the alien environment of a courthouse. Not surprisingly, then, courts have difficulty sorting out facts and resolving these additional issues in an appropriate fashion.

Additional problems may face victims after the civil hearing. If the abuser is present at the hearing, there is no effective method of physically protecting the victim, who must enter, sit, and exit in close proximity to the abuser. If the abuser chooses not to appear in court, he must be served with the order entered at the hearing before officers will enforce that continued order. Officers are also reluctant to enforce protective orders that are not specific as to location, forcing most victims to place their home addresses in the court order.

Our court system does provide some assistance to victims: packets of civil forms are made available in every courthouse to make filing easier; court clerks will assist in filling out the forms when necessary. In addition, the local county sheriff's office provides service of process for all spouse abuse cases, without charge for victims who are unable to pay. At the time of the court hearing, protective orders are filled out and signed by the court commissioner while both parties are still in the courtroom, so that the parties will be aware of the parameters of the court's order. Legal Aid Society of Salt Lake provides legal assistance to many victims, as their resources permit. And, finally, court bailiffs have willingly entertained children who have come to court with the victims.

Even with the assistance provided by the court and staff, our process could be improved. The most beneficial addition to the system would be a victim advocate, with an office at or near the courthouse, whose function would be to provide support to the victim. Victims who are traumatized need encouragement to begin the court process. They also need assistance in processing the paperwork and finding their way through the courthouse maze. Most victims are also in need of referrals to counselors and information regarding financial assistance and shelter. An advocate, who is on call for police officers, and who is housed near the courthouse, would provide that support and encouragement for victims to follow through the protective order process.

Counseling is also needed, both for abusers and victims. Domestic violence is learned behavior; only with treatment and counseling can abusers change that behavior, and only with counseling can victims build self-esteem sufficient to prevent future abusive relationships. Courts should provide the motivation necessary for

abusers to unlearn violent behavior as a way of life, and should give them the tools, through treatment, to do so. There is, however, currently no program available for indigent parties in Salt Lake City that provides treatment for spouse abuse. Only those victims and abusers who can afford to pay for treatment are given that opportunity. Consequently, courts have few options in dealing with spouse abuse. The victims who process civil protective orders are given protection for a period of four months. Many, however, reconcile with the abuser at or before the expiration of that time. With no counseling for either party, many of those couples will eventually return to court in either a civil or criminal action involving violence.

Children who witness abuse may be emotionally or psychologically damaged; they may also be physically harmed, even though they are not the target of the abuser. In addition, they may learn that abuse is an acceptable pattern of behavior, continuing the cycle of abuse when they become adults. Certainly, these children should receive counseling to prevent that cycle from continuing to another generation. Beyond that, educational programs for all young children which stress respect for others and gender equality should be provided in our schools.

The first priority for the courts should be the safety of the victims of family violence, both adult victims and child witnesses. Everything else is secondary in importance, for unless the victim is protected from continuing violence in her home, counseling and educational programs are of little use. In providing court services, programs, or holding court hearings, the focus should be first on protection for victims, so that they are no longer subject to violence in their homes.

Senator HATCH. Well, thank you. The grants that we have provided in our bill may very well be able to help you in some of those areas.

Ms. PEULER. That's true.

Senator HATCH. And I hope that they can. I might mention that our bill contains \$250 million in grants to the State to fight domestic violence, and these moneys can be used for the treatment of victims and their families as well, so it's one of the things that I think I'm getting from this hearing is really an essential part of the bill and we really need to make sure it stays in there.

Ms. PEULER. I agree. Thank you.

Senator HATCH. OK. Judge Murphy, we're delighted to have you here. If you could pull that mike around it would be helpful, and if you can speak real close to it. I'm sorry.

Mr. MURPHY. Is that good?

Senator HATCH. That's pretty good.

Mr. MURPHY. I'm used to projecting my voice.

Senator HATCH. We're glad to have you here.

#### STATEMENT OF JUDGE MICHAEL MURPHY

Mr. MURPHY. Thank you. I had a commitment earlier in the day and your counsel, Sharon Probst, indicated it was not necessary for Ms. Peuler and I to be here until about 11 o'clock. She suggested, however, that we do come so that we could hear the prior panel, and we did change our schedules so that we could.

Senator HATCH. And we appreciate that.

Judge MURPHY. Well, and I think that indicates the types of things that the judiciary needs to do. When victims come into court, they should not be revictimized, and you can't legislate empathy, but I think if the judiciary were endowed with a lot more empathy, some understanding. We tend to forget how we've been hardened through the years, and I, for example, 6½ years, with the crime and the violence that we see, and make sure that we treat each case individually and empathize with it. That is something that cannot be legislated obviously.

My written testimony that I've submitted was on a completely unrelated portion of title 8 of Senate bill 8 relating to collection of child support, and so as I try to direct the lawyers that are here in court, don't repeat in your oral presentation what you did in your written presentation.

Senator HATCH. We'll put the written presentation into the record.

Judge MURPHY. I would like to talk about some of the issues that Commissioner Peuler did about the Cohabitative Statute that we have in the State of Utah and how it works in our district. When someone has the courage to come forward and stop this violence, either to themselves or to their children, they have to walk into an intimidating structure or courthouse and meet some intimidating people, court clerks and judges and things like that, and we have always felt in the third district that we have had a program that is empathetic, that opens doors rather than closes them, and the program basically operates beginning with the clerk's officer where a packet of materials is handed to someone when they come in to walk them through the process they must proceed with. It has forms which need to be filled in to specify what the nature of the violence is, they're provided with access to notary publics so their signatures can be notarized and, therefore, become testimony.

They are then directed to one of the 14 judges' courtrooms. Their cases are assigned just like anyone else by the computer. They have a specific judge to whom they are assigned. We have chosen to alter our standard procedure that applies in all other cases for these cases, and that is that if the judge to whom the case is assigned is not available because he or she is on the bench or for some other reason, that person, that victim can take that case to any other judge. It tends to be a little bit disruptive to your working because of the numbers you heard Commissioner Peuler mention, but that is something that judges need to acknowledge, they have I believe in this district, and we have responded to that.

Overall, we're fairly happy with our system. When the spouse abuse is signed, they are then referred to for a 10-day hearing with all in front of the commissioners. They usually come in under two circumstances, either through Salt Lake County Legal Aid, which is of a tremendous support to these people. When those cases come in to me, I feel that they've already been helped, they've been brought through the system and that I can look at the papers as they are appropriate on their face, which I assume they are when they come from Legal Aid, that I can just sign and they are on their way.

In cases where they are not with Legal Aid, they are per se and representing themselves, I do feel that it's necessary for me to go out in the courtroom where the victim is and talk with the victim, if for no other reason, I hope it's not intimidating to the victim, but it's certainly good for the judge, it brings you back down to earth. One thing I do want to mention about your process that you're doing here is that the process itself I believe has been helpful, and let me just give you an example. When I heard about your committee and I was asked to testify, I went there myself to the clerk's office—I can't hide very well down there—and posed to be a customer, but I got the packet of materials that we provided and start-

ed looking at it and was taken aback, because I know now that we need to redo our packet. It appears even the appearance of the packet is intimidating, and if you were walking through the process yourself it is not a packet that I would proud of, and so your committee has already had an impact. Russ DeMoss, the new director of Salt Lake County Legal Aid and I have already been on the phone in the last few days and are in the process of redoing the packet, so those little things, even it does not end up in legislation, your grant and your committee is a reminder to us to sensitize us to go back and look at a process that we think is pretty good and find some of the glitches in it.

One thing that this incident has indicated to me is that if there were an ability and the money to have someone in a courthouse the size of the Third District Court whose special duties included dealing with spouse abuse cases as they come in, to direct people, be empathetic and to train our own staff to be empathetic so that we don't become hardened and we don't portray the types of problems that Ms. Baca indicated that she met in the hospital at another institution of the courthouse, then that would be most helpful. Thank you, sir.

[The prepared statement of Judge Murphy follows:]

PREPARED STATEMENT OF MICHAEL R. MURPHY

State courts of general jurisdiction, such as the Third District Court in Utah, and state courts with specialized jurisdiction over divorce, domestic and family law cases have severe limitations on their power to enforce orders of support when the parties reside in different states. Obviously, the jurisdiction of the state court issuing an order for child support ends at that state's borders. When the nonresident parent fails or refuses to comply with an order of support, the custodial parent, the obligee, is presented with a multitude of economic and jurisdictional problems.

The obligee, the custodial parent, must undertake the expense, including that of hiring out-of-state counsel, to domesticate the judgment for support in the foreign state, the state of residence of the obligor parent, and invoke the statutes and court rules of that state to collect the amount owing. The resident state of the obligor parent does not have the same incentives as the state where the custodial parent and children reside to collect child support. Faced with these economic and jurisdictional hurdles, the custodial parent frequently forgoes collection of child support. The consequence is that the children of the marriage or relationship suffer.

Section 851 of Senate Bill 8 fills the vacuum and provides a mechanism for payment of child support and criminal prosecution of those who use residence in a foreign state to avoid the payment of child support. In addition to criminal penalties, the Federal district court where the obligor parent resides must order restitution in the form of past due child support as of the date of sentencing.

While section 851 provides a tool which does not now exist, the Department of Justice must provide a mechanism whereby obligee parents become aware of this new vehicle and have access to the office of the United States Attorney of the district in which the obligor parent resides. The various United States Attorneys must acknowledge the importance of these child support cases and pursue them with the vigor that they would pursue other criminal prosecutions. Furthermore, assuming all constitutional and statutory provisions governing service of process and notice are satisfied, the nature of these cases would require a commitment to try some defendants *in absentia*.

I am confident that the various states will not view section 851 as an intrusion into traditional state jurisdiction, but instead will view this statute as a necessary supplement to state law in pursuit of an unassailable goal of the support of children.

Senator HATCH. Thank you. Let me just say that your testimony is very important, because if we had more judges like you in this country who really would look into these things and really start to be empathetic to use your term, we'd have a lot fewer problems, so I really personally appreciate it. I've watched you through the

years and I know you're a great judge, and I just want to personally express that in public.

Senate bill 8, this bill that we found, also provides funding for judicial training programs and more administration programs or demonstration programs to improve our judicial system's whole approach to domestic violence, so we're hoping that that money will be helpful as well and that we can get more courts throughout the country to focus a little bit more on the empathy side of this matter and help solve these things. By the way, as I've stated, Judge Murphy when he was asked to testify decided to walk through the process as he's expressed here today as though he was a victim, and as a result, as you've testified today, you saw these problems with the paperwork and other things that make it very difficult for the survivors of these matters, and I want to congratulate you for directing that they should make changes in the packet of materials that they give to these people and the way that it's approached and the empathetic approaches that really ought to be made and that you're making those changes here in the third district. I hope that when you have judicial conferences in the State that you'll bring these ideas to the attention of all the other judges in the State as well, and I urge all of the judges in the State to look at these matters as you have and view them firsthand, and I think it will make a tremendous difference, so we appreciate you and I want to congratulate you for what you've done.

Lieutenant Zelig.

#### STATEMENT OF MARK ZELIG

Mr. ZELIG. Thank you. Research that has been conducted largely in the last 10 years has consistently upheld that the most effective single intervention for decreasing spouse abuse is arresting the perpetrator. These studies have of late used rather sophisticated research designs in which the concertive bias merely using arrest and court records is avoided. The results are clear: when offenders are arrested, recidivism drops at a greater rate than any other single intervention that is available.

Now, while these findings do not diminish the importance of treatment, for surely as treatment techniques develop, therapy will play a more important role in the rehabilitation of spouse abusers. But at the present time, the best weapon that we have against spouse abuse is simply going and arresting offenders. When I became a police officer, I was taught, as were many police officers in North America, that the last thing you wanted to do was to intervene in a family and make matters worse by arresting somebody. There could be no solution that was considered to be a more ridiculous one and one that would cause more harm.

The frank truth of the matter, as researchers pointed out, is that law enforcement, both in this country and Canada, were just flat wrong. That sort of logic did not make any sense and it did, indeed, lead to a more significant cycle of violence. As a result of experiments and research that has been done in different parts of the United States, the Salt Lake City Police Department developed a policy that mandates arrest or issuance of a criminal citation when the officer responds to a domestic violence call and has probable cause to believe that violence has occurred. If he or she believes

that further violence is imminent or that someone's life is in danger, the officer is not given the discretion as to whether to issue a citation or make an arrest. The policy is simple, the perpetrator is arrested.

Since we developed our policy in 1990, the number of arrests that have been made has increased. In 1990 we responded to 2,500 calls for domestic violence in our jurisdiction, we made arrests in 21 percent of those occasions. Obviously, or just because we get a call does not mean that there is necessarily the sufficient probable cause to make an arrest, nor does it mean that the offense actually occurred. In the following year we made arrests 34 percent of the time. The most latest statistics show that when we respond to a domestic violence call we make arrests approximately 36 percent of the time. This is a clear increase. The biggest regret that we have is that in both 1991 and 1992 we had two homicides that were clearly spouse abuse related, and, of course, we wish we would have been able to intervene earlier in those particular cases. One statistic that we wonder about that no one mentioned in the hearing thus far but that nags at us is, we wonder how many suicides do we have that are the direct result of domestic violence.

Because the role of law enforcement is so vital in combating this social problem, it therefore follows that anything we can do to enhance law enforcement will serve to diminish the problem. There are several recommendations we have. One is when we go to a domestic violence call and we have the probable cause to make the arrest, we often leave a victim alone to ruminate and consider what is going to happen tomorrow, that is, where is their income going to come from. They also think about how much they care about the person who they've just had arrested.

Unfortunately, mixed emotions about the offender are very much a part of this. They worry about their economic status. The police department, and I feel that I can confidently say that many police departments would share in this recommendation, would like to see provisions made for volunteers or counselors to provide immediate assistance, because we feel the process in which victims disengage from this process begins immediately after we leave.

A second recommendation that we have that is fostered by the great success that we have seen from preventive efforts to counter sexual and physical abuse, and I'm very pleased to hear that, that there be primary prevention techniques exercised. That is that there are provisions made whereby education can be given in the schools so that kids realize that even though physical abuse occurs in their family, that that is not OK, and I only draw attention to the success that we've had in the sexual-abuse area.

Unfortunately, as many people know, spouse abuse is transmitted from generation to generation, and we feel the best remedy in the long run are direct primary prevention efforts, because by the time we're involved and by the time counselors are involved, it's often too late and all that we have to share is a lot of mixed results.

[The prepared statement of Mr. Zelig follows:]

## PREPARED STATEMENT OF LT. MARK ZELIG

## DOMESTIC VIOLENCE AND THE SALT LAKE CITY POLICE DEPARTMENT

Research has consistently upheld that the most effective single intervention for decreasing spouse abuse is arresting the perpetrator (Sherman & Burke, 1984; Fagen, 1981, Rosenfeld 1992.) These studies made their assessments by follow-up interviews, and thus avoided much of the conservative bias that is incurred when one uses arrest and court records as outcome variables. The recidivism of offenders subjected to immediate arrest was lower than those subjects assigned to the other experimental conditions of Police Meditation, Temporary Separation, Legal Assistance, or no action. These studies found that arrest was more effective than perpetrator counseling.

These findings do not diminish the importance of treatment, for surely as treatment techniques develop, therapy will play a more important role in rehabilitation of spouse abusers. Until that time, law enforcement will play the key role in this important social problem.

The Salt Lake City Police Department has promulgated policy, as per state law, that mandates arrest of issuance of a criminal citation when the "officer responds to a domestic violence call and has probable cause to believe that a crime has been committed. \* \* \* "In those cases in which an officer has probable cause to believe that there will be continued violence against the \* \* \* victim, \* \* \* the officer will take the alleged perpetrator into custody, and may not utilize the option of issuing a citation." Because of the proven efficiency of arrest, it is the philosophy of the Police Department that forfeiture of the discretion that is normally afforded officers in judging whether or not to arrest, is outweighed by the benefit to society that is incurred with a mandatory arrest policy.

The present policy was developed in October 1990, and has been amended since. In 1990, the Police Department responded to 2,598 domestic violence, and made arrests in 544 of those cases (21 percent). The following year, we responded to 3,068 cases, and made 1,046 arrests (34 percent). In the first quarter of 1992, we responded to 674 complaints, and made arrests in 344 (51 percent) of those cases. Clearly, the rates of incidence as well as the percentage of arrests, have increased since the implementation of the mandatory arrest policy. Unfortunately, in 1991 there were 2 (out of total 15) homicide that occurred in a domestic violence context—and probably some suicides that were related to domestic violence.

Because the role of law enforcement is so vital in combating this social problem, it follows that anything that would improve the efficiency of law enforcement, might also provide a greater remedy to the victims of domestic violence. What suggestions do we have for the policy makers of the state and country?

1. The law must sufficiently focused on scope to allow us to address the *intent* of the law. Overly broad enactments preclude us from focussing on the specific problem of domestic violence, and the harm that is incurred from families. For example, Soc 30-6-1(e) of the Utah code includes as a domestic violence victim anyone who "resides or has resided in the same residence." The purpose of the law is not to bridle the discretion of officers when they intervene in misdemeanor assaults between college students; it is to break the "cycle of violence," by mandating enforcement action when family members or significant others are involved.

2. The victims of spouse abuse need immediate support from trained professionals or volunteers. After the perpetrator has been arrested, the victim is often left alone to ruminate on how she (and sometimes he) will make ends meet with the breadwinner in jail, and what will happen when the perpetrator is released, etc. This rumination often leads to a reconsideration of the victim's initial commitment to take action, and may perpetuate the cycle of violence. Despite the strong language in many domestic violence statutes, ultimate prosecution and conviction are still very dependant on having a victim who is willing to testify. While one can arrest on probable cause, probable cause is not sufficient to obtain the conviction that will lead to court-ordered intervention.

As a remedy, the ability to involve a support for a person immediately after arrest is recommended. Such a person could maintain the initial commitment by providing information, discussing counseling alternatives, and giving information regarding the upcoming legal process.

3. Finally, the dual recognition that families are systems and that arrest is effective, suggests that a public policy might be well served by relaxing traditional rules of evidence in domestic violence trials. That is, in the absence of a cooperative victim to witnesses and officers, to be admissible. Not only has the seemingly high rate of dismissals been disappointing to officers, but dismissal also forfeits the opportunity to order the interventions needed to cease this life-threatening behavior. Un-

fortunately, it is often the case that the families in most need of such intervention are the very hardest to obtain it for.

Senator HATCH. Well, thank you. Ms. Hornak.

#### STATEMENT OF KIMBERLY HORNAK

Ms. HORNAK. Thank you. Senator Hatch, ladies and gentleman, the audience, I appreciate the opportunity to address you today. I have four goals or suggestions which might help you, but before I get into that, I would like to share with you some statistics that I find startling and quite honestly turn my stomach. People are more likely to be killed, beaten or assaulted in their own homes than they are on the street, and it's a sad fact when we're safer on the street than we are in our own homes. Every 5 years domestic violence kills as many women as the total number of Americans who died in the Vietnam War. Sixty-three percent of the boys and men between the ages of 11 and 20 who are in prison for homicides are doing time there because they killed their mother's batterer. Sixty percent of the women that are in prison are there for writing bad checks or theft, crimes that they committed while trying to flee an abusive environment and trying to take care of their children.

There are presently 1,200 shelters throughout the Nation for abused women and 3,800 shelters for animals. Now, I'm a bigger animal lover than probably anyone in the room, but I think that's a sad commentary on our society when we have three times as many shelters for animals than we do for women. It is clear that domestic violence is a crime against society and it is not a crime or a problem within the household and to be dealt with within the household, and because of that, I offer four goals or suggestions today which I hope will help society deal with this problem.

Number 1, and we've heard it repeatedly today from almost every speaker, prevention. We must educate our Juvenile Court judges and teachers to be sensitive to children and families where they perceive that domestic violence is a problem in the home. We know that abused children often come from families where domestic violence is a common occurrence, and if teachers and Juvenile Court judges can spot the problem early, they can provide treatment, counseling and education to hopefully break the cycle.

Number 2, law enforcement. Law enforcement agencies must develop written policies for responding to domestic violence. These policies should address a response priority, arrest decisions, evidence gathering and victim services. Additionally, officers must be educated on the dynamics of domestic abuse, laws on domestic abuse, the responsibility and authority of the justice system after it has intervened in domestic violence, and effective dispositions related to victim safety and perpetrator accountability.

Number 3, prosecution. Prosecutors must initiate and pursue prosecution where a criminal case can be proved, including often proceeding without the active involvement of the victim if necessary. In fact, prosecutors should be educated and should plan to proceed without the victim. They must train law enforcement to take pictures, obtain medical reports, obtain witness statements and obtain 911 tapes. Prosecutor offices must also initiate and establish specialized units with written procedures for screening cases.

At the first appearance, prosecutors must obtain stay away orders, they must set bail that is consistent with other assault offenses, they must insure that the victim will be notified of a pending release and that provisions will be made for the victim's safety, and they must impose special conditions which protect the victims and family members. At sentencing the prosecutors must make the following information available to the judge: The facts of the case, the offenders criminal history, the victim's impact and input, history of abusive behavior, drugs, alcohol, and mental health evaluations and information about children and others living in the home who may be affected by the abuse.

My final goal is sentencing. All sentences should include or provide for the following: They must hold the offender accountable, provide treatment programs for the offender, the victim and any children, require a drug, alcohol and/or mental health evaluation, provide for formal supervision and monitoring of compliance with sentencing conditions, and only allow for diversion in extraordinary cases.

Senator, we are very fortunate to have a brandnew U.S. attorney who has made domestic violence her number one priority. She also comes from a prosecution background as I know you are well aware. I would strongly suggest that you use her as a tool in implementing the legislation that you've proposed and in trying to help educate our prosecutors and law enforcement and help them implement policies. I would like to end my statements with a story, an incident that happened to me last week.

A woman came to my office, charges had been filed against her husband. He broke her arm, tried to choke her, tried to push her out of the window, and threw several objects at her, including bar bells at her head, repeatedly threatening to kill her. When she came to my office, she told me she wanted to dismiss the case and I asked her a question that everyone in this room should ask the same question in any domestic violence situation, and that is, if this man had jumped out and attacked you from behind some bushes at night and committed all of these acts and injuries against you, would you still want to dismiss the case? She shook her head no and I asked her what she would want to have happen to him. She said I would want him to take the blame and accept responsibility for what he did, I would want him to be punished, I would want him to receive treatment, I would want treatment for myself, and I would also want restitution. The time has come for us to recognize that this is not a family problem, that it is a crime against society, and in doing that, we must be compassionate to the victims, but we must also hold the perpetrator accountable.

[The prepared statement of Ms. Hornak follows:]

#### PREPARED STATEMENT OF KIM HORNAK

##### STATISTICS ON DOMESTIC VIOLENCE

People are more likely to be killed, beaten, or assaulted in their own homes by other family members than anywhere else or by anyone else in our society.

Domestic violence is the single largest cause of injury to women in the U.S., more common than injuries sustained in car accidents, muggings, and rapes combined.

Every 5 years domestic violence kills as many women as the total number of Americans who died in the Vietnam war.

March of Dimes statistics indicate that there are more birth defects to children as a result of their mothers being battered while pregnant than all other diseases combined.

Sixty-three percent of men between 11 and 20 who are in prison for homicide are doing time because they killed their mother's batterer.

Most women in prison are there for writing bad checks or theft, crimes they committed because they were fleeing an abusive environment and were trying to take care of their children.

1,200 shelters for abused women and 3,800 shelters for animals.

It is clear that domestic violence is a crime against society, that it is in fact a crime *not* a family problem to be dealt with within the household.

#### GOALS/SUGGESTIONS

##### 1. Prevention

Juvenile Judges should be sensitive to families they perceive may have domestic violence problem in the home. We know that children who are abused often come from families where domestic violence is a common occurrence. Abused children often become adult abusers or adult victims. Spotting the problem early can provide counseling and treatment for children and stop "the cycle".

##### 2. Law enforcement

Law enforcement agencies should develop written policies for responding to domestic violence. These policies should address:

- a. Response priority.
- b. Arrest decisions.
- c. Evidence gathering.
- d. Victim services.

Education should be provided to officers on the dynamics of domestic violence, laws on domestic violence, the responsibility and authority of the justice system actors to intervene in domestic violence and effective dispositions related to victim safety and perpetrator accountability.

#### PROSECUTION

(a) Initiate and pursue prosecution where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary. Plan to proceed without the victim. Train law enforcement to take pictures, obtain medical report, obtain witness statements, obtain 911 tape. If no corroborating evidence exists and the victim will not testify consider not filing the case.

(b) Specialized units with written procedures for screening cases.

(c) At the first appearance consider the following:

1. Obtain "Stay Away" orders.
2. Set bail consistent with other assault offenses.
3. Insure that the victim will be notified of a pending release and provision will be made for the victim's safety.
4. Impose special conditions which protect victims and family members.

(d) At sentencing make the following information available to the judge:

1. Facts of the case.
2. Offender's criminal history.
3. Victim impact and input.
4. History of abusive behavior.
5. Drug, alcohol and mental health evaluations.
6. Information about children and others living in the home who may be affected by the abuse.

(e) Sentencing. All sentences should include or provide for the following:

1. Hold the offender accountable.
2. Provide treatment programs for the offender, the victim, and any children.
3. Require a drug, alcohol and/or mental health evaluation. Provide for formal supervision and monitoring of compliance with sentencing conditions.
4. Allow for diversion only in extraordinary cases.

Many of my suggestions are taken from a book titled "Family Violence State-Of-The-Art Court Programs" published by the National Council of Juvenile & Family Court Judges.

Senator HATCH. Thank you, Ms. Hornak, I really appreciate that.  
Ms. Knowlton.

**STATEMENT OF KRISTINE KNOWLTON**

Ms. KNOWLTON. Thank you, sir. Kim and I have been prosecutors in this area for quite awhile and worked on a lot of committees together, and one thing that we have learned is, there needs to be consistency, consistency all the way through the system, consistency from the police point of view. Kim and I believe it was Brook Wells who developed the model police response policy that is included in my materials. At least in Weber County it's adopted in the police departments of how domestic violence cases should be handled.

Now, as in all areas, not everybody complies with the model response policy, but it's a start, it's a beginning, we're still trying. There are a lot of other States that are far ahead of us in dealing with domestic violence, but it's a start and we're working on it in Weber County. The second thing is with regards to filing appearances in violent cases. Kim talked about having a written policy.

In Weber County when the domestic violence complaints come in, which could be anything from as minor as disorderly conduct, trespassing or as serious as aggravated murder, those cases are screened on a priority basis not longer than 2 days. If there are problems with the case, it's remanded back to the police agency for further investigation, develop the leads, develop the evidence. Victim's interests have to be taken into consideration. You hear a lot of talk about the prosecution should not be dismissed at the whim of the victim. I totally agree with that, but the victim says he must come first. I've gone to a lot of conferences, people who are leaders in the area, the San Diego Prosecutor's Office, victims know when their safety is at the greatest risk. You can take them through the prosecution, but there might be a point at the very end when their safety is the most important, it is more important than that prosecution, and that prosecutor has to be in a position to be able to recognize those kinds of situations. They're very rare, but you have to be able to understand the victim and understand where he or she is coming from.

I was glad to hear Judge Murphy talk about that he took the time to go down and see what packets are available to the people. A lot of judges need to do that. They don't understand what is out there for the people. Salt Lake is very lucky. They have Legal Services who has a special branch to be able to work with women for protective orders. Weber County isn't that lucky. They go in on their own, they show up at the clerk's office, they're handed a bunch of papers, and they're on their own basically. They can come up to the County Attorney's Office, but there's only five of us up there who are the criminal prosecutors and most of us are in court. If we're there, we help them, but there needs to be funding either for the clerk's office or a special unit for special funding for legal services to have a program to be able to work with these women, experts in the area.

I think jurors, judges, community people don't understand why do women stay here? We don't understand it. Why would they say they're in love? Why do they want to stay in these situations? They must like it. It must not be that bad. There are experts in the field who are trained to be able to educate jurors and judges and the community as to why these women stay. It's called the Stockholm

Syndrome, they talk about Post Traumatic Stress Syndrome, those types of things. We need to be aware of those kinds of issues.

Victims don't understand the impact on their own children. I had a lady come in the other day who had been through repeated abuse, but she always went back, and I finally asked her what about your child, how old is she, and she said 2 years old. I said, don't you think she's watching this? Well, she's never really thought about it. I never thought about my child. When she was able to focus on her child, she was then able to get herself out of the situation. I think victims need to understand the impact on children, I think education is important. Last year in Weber County three aggravated murders, capital crimes, were filed in Weber County, all involving domestic abuse. That's important. It's critical. We've had mayhem, we've had aggravated assaults. They have serious problems, serious crimes, and funding to help the prosecutor's office would be tremendously appreciated. Thank you.

[The prepared statement of Ms. Knowlton follows:]

#### PREPARED STATEMENT OF KRISTINE MCKEE KNOWLTON

My name is Kristine McKee Knowlton. I was born and raised in Ogden, Utah. I graduated from Ogden High School ('71), Utah State University ('74) and University of Utah Law School ('77). I have been a prosecutor in Weber County since 1979. I have worked in the juvenile courts as well as justice, circuit, and district courts. I have been involved in domestic violence prosecutions. I have attended national conferences as well as local conferences on domestic violence and am familiar with the policies and procedures utilized in different offices.

In our office, I screen most, if not all, of the domestic violence cases, which range from disorderly conducts, trespassing and violations of protective orders up to aggravated assaults, mayhems, murders and aggravated murders. Our standard policy is to review and make a decision regarding filing all domestic violence cases within a day or two (if it cannot be screened immediately). Domestic violence is a priority in our office and taken very seriously. However, we do not have the funding or resources or personnel to have a specialized prosecution team (including victim assistance person, investigative personnel, etc.). Our office has five criminal prosecutors who are responsible for all circuit, district, and justice court prosecutions. Last year we handled over 1,500 felony filings as well as approximately twice that amount in misdemeanor filings. We have two victim witness coordinators, one of whom is assigned to handle children and youth victims through the adult court system, and the other who handles primarily all other victims, including domestic violence victims. At this time we do not have trained volunteer victim assistance advocates to help in these adult cases although "Your Community Connection" does have some assistance available to victims of domestic violence in their women's shelter program.

When I screen a case and do not approve it for filing based on insufficient evidence, I notify the victim in writing of the reasons for not filing along with suggestions for avenues available to the victim.

If I do approve a case for filing, I automatically file a "no-contact order" for the court's approval to protect the victim during the pendency of the proceedings. Only the victim can request the court to lift the no-contact requirements.

It is also the policy of this office not to dismiss a domestic violence case at the victim's request. It is made very clear that the *state* is prosecuting the defendant, that spouse abuse is a crime and will be treated as such; and that the victim is merely a witness in the case and will be subpoenaed. However, this office does take into account the victim's situation, interests, and safety when determining whether or not negotiations are appropriate. All negotiations try to include mandatory domestic violence counseling for the defendant; assessments for victim's counseling costs, and protective orders for the victim. Even when a victim does not want a protective order, I usually request, as a condition of probation, that the defendant have no "violent or physical contact" or nonconsensual contact with the victim. If the case involves repeated convictions for domestic violence, jail time is recommended. We understand that we can only provide the victim with options—we cannot *make* her leave an abuser. What we try to provide is a period of time free from abuse so that

she can make her *own* choice on how she wants to live. In many cases I wish domestic violence counseling was *mandatory* for victims.

Most of the police agencies in Weber County have adopted the Utah Model Police Response Policy for Domestic Violence Calls so as to provide consistency and uniformity in the handling of domestic violence case. A copy of that policy is attached. For the most part, the officers have responded very well, but there are always some who, because of personal attitudes and prejudices, have difficulty in handling these cases. Training is provided to the police locally by our office and on a statewide basis by the Peace Officers Standards and Training and by the Utah Prosecution Council.

Problems with "no contact" orders and protective orders arise when the parties have children in common. One party may use visitation as an excuse to harass or intimidate or threaten the other party. Much intimidation is done non-verbally. A lot of the abused victims do not have family or friends who can act as intermediaries in visitation.

Judicial as well as juror ignorance is another problem I've encountered. Judges and jurors have difficulty understanding parties who reconcile, victim reluctance or recantation, and social and psychological effects of domestic violence (Stockholm syndrome, victim reaction to trauma, post-traumatic stress syndrome, etc.). Psychological experts trained in these areas and in domestic violence need to be used in the difficult cases; the history of the couple needs to be available to the court; the history of the defendant for domestic violence needs to be available to the court; support services for the victim need to include counseling as to the enormous impact this violence has on children. I recently read in a local paper that in a study in Utah, 65 percent of children growing up in abusive homes will enter abusive adult relationships. Education about violence needs to begin in the pre-school and elementary years. Alternative conflict resolution needs to be a mandatory course all through school with emphasis on the "Golden Rule". However, we also need to deal with the older generations who have chosen violence as an acceptable way of living or those who have no choice.

In 1990, our records show that at least 66 cases were filed involving domestic violence through the county attorney's office (our victim witness coordinator has pulled these statistics by hand and they do not include Weber County Justice Court cases and those cases which inadvertently were missing the "DV" notation.) Most of the domestic violence assaults and other Class B misdemeanors proceed through the city attorney's office so that the ones that go through our office either involve felony conduct, violations of protective orders, or Class B misdemeanors in the unincorporated areas of Weber County.

In 1991 the cases rose to at least 104. In 1992 the cases dropped to at least 86—however, three of those cases were filed as aggravated murders (capital felonies): *State v. John Wetzel* (convicted of hiring another person to kill his estranged wife); *State v. Toan Hua* (pending, defendant is alleged to have constructed a bomb which was placed at his estranged wife's residence killing her, her mother and injuring her father); and *State v. Billy Price* (defendant convicted of murder in the shooting death of his estranged girlfriend in front of their 1-year-old daughter). That same year another significant case, *State v. Gary Ollila*, was prosecuted. The defendant had been charged with mayhem, aggravated assault and violation of a protective order. The notable aspects of this case are (1) that two different courts determined the defendant to be too dangerous to release on bail while the trial was pending in spite of the fact the defendant had no prior criminal record; (2) the injured person, Paul Griffin, had assisted the defendant's estranged wife in obtaining an ex parte protective order for which the defendant never forgave him. Paul was a college student who worked with the defendant's wife at a private club. The wife had confided in Paul of domestic violence and he told her he would take her to obtain a protective order and then take her and her children to the Women's Crisis Shelter. That was in December 1991. Between December 1991 and April 7, 1992, the wife was "stalked" and harassed and threatened to the point she gave up her children in the divorce to escape her husband; co-workers of the wife were threatened, intimidated, followed, and harassed; car windows of vehicles in the parking lot of the private club were smashed. Finally, on April 8, 1992, Paul stopped by to pick up the ex-wife of the defendant for work when he ran into the defendant in the hallway of the apartment building. The defendant, at 6 feet 2 inches, a muscular, strong former worker in the oil fields, was no match for Paul Griffin who was beaten mercilessly. Every bone in Paul Griffin's face was broken and he was left in a bloody heap in the hallway. Ollila had previously threatened to kill Mr. Griffin in December for helping his estranged wife. Ollila was convicted of aggravated assault and violation of a protective order and sentenced to prison for 0-5 years at the Utah State Prison. Even still, the defendant harbors deep resentment and feels he has done nothing

wrong other than try to keep his wife "in line" and keep her away from other people and other influences. He has subsequently appeared before the Board of Pardons to obtain a parole date. However, based upon him telling the Board that no matter how long they keep him, he will someday "settle the score" with the victim and his family, the owners of the business where his wife worked, and with me, the prosecutor, the Board decided that he should serve the maximum sentence possible: 5 years.

Cases, like Ollila, are the extreme but point out the immense difficulty in adequately providing for the safety of victims, much less changing abusers' attitudes and beliefs regarding relationships. A statistic related to me at a Domestic Violence Conference in Williamsburg, VA, last October, clearly focuses on the danger abused spouses face when leaving a violent situation.

Seventy-five percent of women killed in domestic violence cases are killed *after* they leave. When a woman leaves, her risk of death is greatest.

So, when people ask why abused spouses stay in abusive situations, maybe it's because getting beaten up is a lot better than getting killed.

Thank you.

\* \* \*

## MODEL POLICE RESPONSE POLICY<sup>1</sup> FOR DOMESTIC VIOLENCE CALLS

### PURPOSE

This law enforcement agency in conjunction with the Utah Legislature, State Wide Association of Prosecutors, Judges, concerned community agencies, and Adult Probation and Parole, adopts the following model procedure for the handling of domestic violence complaints.

The primary duty of peace officers, when responding to a domestic violence call, is to enforce the laws allegedly violated and to protect the complaining party.

### DEFINITIONS AS USED IN THIS POLICY

- A. "Cohabitant" means a person who is 16 years of age or older and who:
1. is presently or was formerly a spouse;
  2. is presently or was formerly living as a spouse;
  3. is related by blood or marriage;
  4. has one or more children in common with the other party to the action, regardless of whether they have been married or have lived together at any time; or
  5. resides or has resided in the same residence.
- B. "Cohabitant" does not include the relationship of a parent or stepparent and minor child.
- C. "Domestic violence" includes, but is not limited to, any of the following crimes when committed by one cohabitant against another:
1. assault;
  2. aggravated assault;
  3. mayhem;
  4. criminal mischief;
  5. burglary;
  6. aggravated burglary;
  7. criminal trespass;
  8. aggravated kidnapping; or
  9. unlawful detention.
- D. "Victim" means a cohabitant who has been subjected to domestic violence.

### III. PROCEDURE

A. An officer responding to a domestic violence call who has probable cause to believe one or more of the crimes described above has been committed, shall:

1. arrest the suspect without a warrant; or
2. issue the suspect a citation.

B. *However*, if the officer has probable cause to believe that:

1. there will be continued violence; or

<sup>1</sup>This policy is based upon and in compliance with §77-36-2, U.C.A., adopted 1991.

2. there is evidence that the suspect has recently caused serious bodily injury; or

3. that the offender has used a dangerous weapon in a domestic violence offense;

the officer *shall arrest* and take into custody the suspect. The officer *may not* give a citation.

C. An officer who does not arrest or issue a citation shall inform the victim of rights to initiate criminal charges and of the importance of preserving evidence.

D.<sup>2</sup> When an arrest is made, the officer shall give the victim and the arrestee written notice of:

1. Conditions of possible release, including:

(a) procedures pertaining to bail or pre-trial types of release;

(b) no contact with the victim;

(c) no threats or harassment of the victim;

(d) no entry onto property of or entry into residence of the victim; and

(e) that under certain circumstances, a court may deny bail.

2. Release requirements must be either:

(a) ordered by a court; or

(b) agreed to by the arrestee in writing.

3. Possible penalties for violation of court ordered conditions of release;

4. Date and time the requirements of release expire;

5. Address of the court in the county or district of the victim's residence;

6. That the requirements of release will not apply upon a victim's written waiver; and

7. Information outlining how to obtain civil and criminal protective orders.

E. The officer shall, upon request, facilitate the victim's transportation to a hospital or a place of safety or shelter.

F. The responding officer shall make, as soon as practical, a full report including disposition of the incident as well as statements from the victim, the suspect and from any witnesses. The report shall:

1. become available to the victim, upon request, at no cost; and

2. be forwarded to the appropriate prosecutor within 10 days.

G. Upon notification from the jail facility of the release of the arrestee, the arresting agency shall make good faith efforts to inform the victim of the release.

H. Any arrestee who knowingly violates the terms of release shall be subject to rearrest.

Senator HATCH. Well, thank you. I don't think we could have had a better panel on these matters. Our Lt. Gov. Colleen Walker just walked in, and I think it's certainly wonderful to have you here and we appreciate you listening to this testimony. I just don't think we could have had a better panel than this one anywhere in the country, so I'm very pleased at what you've been able to say. I'd like you all to take a look at our legislation. You're experts in this field, you've lived with the real practicalities of these matters, and I'd like you to look at it and tell us where it needs to be refined and changed or made better. I think it's really a worthwhile thing, since all of you have expressed the need for rehabilitation, the need for education, the need for prevention, the need for justice, the need for a hug from time to time among other things, and I would really personally appreciate it and I think Senator Biden would as well if you would lend your expertise to us, because this may very well be it by the time we get through.

Colleen, I understand you have a statement you'd like to come and read, and I know your time is very valuable. Would you like to come up here and just read it. Come on up here and take my seat. How is that?

<sup>2</sup> It is anticipated that law enforcement agencies will have available for distribution to parties pamphlets outlining victims' rights, jail release and court procedures, and available community resources.

Ms. WALKER. No.

Senator HATCH. No. I want you to come right here and you can read the statement.

**STATEMENT OF COLLEEN WALKER, LIEUTENANT GOVERNOR  
FROM THE STATE OF UTAH**

Lt. Gov. WALKER. I'm pleased to be here, and I'm here because I wanted you to know that the Governor and the Lieutenant Governor in the State of Utah are very concerned about this problem, and that they recognize that when you have victims, even though they're female, it affects the total family, and that we've got to find solutions, that we recognize that in the case of rape and spousal abuse that very often much of it is unreported and I hate to use the word "horrified" at the increase in the numbers that are reported, but we recognize again that this is only a percentage of what is really going on and that we've got to work together, the total community, the community level, citizens and the State and nationally to solve this problem, and that a lot of the problems are societal problems and that we're especially concerned about what happens to children in situations of violence, but equally concerned about the individuals involved, and that basically I was just going to compliment you for having these hearings and have you recognize how important we think the problem is and that we like to think we have a great State and that we would like to be immune from the problems, but realism is that we are not immune, that we've got to all work together to solve these problems, and we've got to get rid of turf, we've got to get rid of jurisdictions, and we've got to unite the court together from all three branches of government to solve them, and we're committed to work in any direction that we can to help solve them. I don't want to take more time. I didn't want to disrupt the proceedings to say that, but I did want you to know how supportive we are of the hearing and we're certainly supportive of all the entities working together to solve the questions.

Senator HATCH. Well, thank you Colleen. We appreciate it.

Lt. Gov. WALKER. I won't read it. I think I've summarized it generically, so thank you and I'll sit in the back for awhile.

Senator HATCH. Thanks, Colleen. You couldn't have said it better. It's wonderful having you as our Lieutenant Governor, and as you know I have a tremendous inestimable respect for you, but I have respect for this panel too, and I'd like to ask some questions that I'd like each of you answer. For instance, I've heard anecdotal cases of women who have obtained protective orders in one State only to find out that if they move to another State or visit another State the orders are not enforced in that subsequent State.

Now, do any of you see cases where women possessing protective orders issued in another State move into Utah? Are they required to come into our courts seeking new protective orders, or do we enforce the protective orders of the other State? Maybe we could start with you, Judge Murphy, and then go to you, Ms. Peuler, and then right across the board.

Judge MURPHY. Well, I can guarantee that Commissioner Peuler is probably the expert on that, but quite obviously there are jurisdictional problems if you do not have jurisdiction over the abuser.

There would not be a problem if you did, because obviously the person is here in the State, you have personal jurisdiction, they have done something in the State to one of its citizens, but you need a quick process to get this going, and I would suggest at least the ambulant service in this particular circumstance would be the co-habit abuse statute that both Commissioner Peuler and I have addressed. I'll be very frank with you. I have not seen this type of problem as being a jurisdictional one, and I cannot imagine at least how we've been operating so far, but it would be a difficult and certainly not an unsurmountable one here in Utah.

Senator HATCH. OK. Ms. Peuler.

Ms. PEULER. I'm aware of one case that occurred outside of Salt Lake County in which a woman had a protective order I believe from Washington State. She moved to Utah with her children and was followed here by her spouse or ex-spouse, and she was horrified to learn that she had to start the process all over again here when he began to threaten her, and I learned as a result of becoming acquainted with that case, that in Washington State that protective orders are in effect for 1 year and our present system only allows for a period of 4 months, which sometimes is difficult for victims to get on their feet and start over again in that period of time, but this woman did have to start over with the process and go through court again here in Utah to have the protective order entered, and that's unfortunate.

Senator HATCH. OK. Does anybody else have a comment about this? Lieutenant Zelig?

Mr. ZELIG. We have not generally run into that problem. If we are called on another domestic violence situation, we just follow our procedure and we make an arrest or issue a citation and we reinitiate the process here. One thing I want to point out, that I think is real important to anyone considering interstate legislation of this type, is our police department every week will stop and detain somebody who is wanted out of State on serious felonies such as robberies or assault. The process that we undertake at that moment is that our agency calls the agency who issued the initial warrant and we inquire as to whether they will come and pick the offender up and go through the process of transporting the person back to their home jurisdiction. In many cases agencies decline such an invitation, so what I'm trying to say is even if such legislation was in place, it would also be important to try to address the economic reasons mostly that lie in front of agencies transporting back their own prisoners, so I mean even if the law was passed, I don't know what we would do, because like I say, a lot of agencies even today will not serve their warrants out of State even for felonies.

Senator HATCH. I see. Ms. Hornak or Ms. Knowlton, any comments?

Ms. KNOWLTON. Senator, I think one problem that we have, and this would be State and nationally, is verification of the existence of protective orders. We may have a woman move up from Washington County and say that she has a protective order, and it takes us a period of time to be able to verify that. We have a problem there. We even had a woman move from Idaho. I know Idaho has a system where they put their protective orders on a statewide

warrant system. That would be helpful. It would be helpful to have them put on the Triple I—NCIC status.

Senator HATCH. OK. I've introduced legislation which requires each and every State to give full faith and credit to other States' valid protective orders. I also think in this day of computer relations we're going to have to have a way that all 50 States can learn of protective orders just by a short trip to the computer so that we can give full faith and credit to the protective orders of other States.

Mr. ZELIG. And that could be accomplished if the legislation was passed and it was put on what we call NCIC status.

Senator HATCH. OK. And we'd like to do that, and let me just change the subject a little bit regarding stalking. We've been very concerned. In fact, we had a very dramatic hearing in the Senate Judiciary Committee on stalking, and I'd like to just ask all of you to what extent is stalking a Utah woman's problem as well would any of you care to comment on whether information on the violation of a stalking or family violence protective order is entered into existing criminal data bases such as NCIC? Anybody who cares to comment. You don't have to comment. Do you want to comment, Ms. Hornak?

Ms. HORNAK. I think stalking is definitely a problem.

Senator HATCH. And I'm concerned that this is an area where the system breaks down.

Ms. HORNAK. Absolutely. Absolutely. I think stalking is definitely a problem. You have a woman who may have a protective order so her ex-spouse or present husband or boyfriend will not come to her house, but instead will call her repeatedly at work, will sit across the street from her house, will call her repeatedly at home and hang up, and for some women, and I shouldn't just say women, because it clearly happens to men as well and we need to keep that in mind, this is probably more emotionally damaging and threatening to them than physical abuse is, so the problem definitely exists in Utah, we now have legislation on it, and I'm not sure from the way that it sits that the prosecutors are prosecuting. In our office I know we presently have a couple of cases.

Senator HATCH. Yes.

Ms. KNOWLTON. Senator Hatch, the problem that I have found with Utah's stalking law is in order to prove stalking you have to first be able to prove a threat against life or property, and a lot of the stalking is someone following and not verbalizing a threat.

Senator HATCH. Or not really making an overt attempt to hurt someone.

Ms. KNOWLTON. Right. But it still is emotionally damaging, it's damaging to the person's health, comfort, repose, those sorts of things, and it can make a person crazy, but I think there's problems in the law in the wording of the law and being able to be constitutional specifically.

Senator HATCH. That's a good point. We had a hearing back in Washington when we heard from a woman who was stalked regularly and never—and she went to the police repeatedly and the law enforcement authorities and they just said we can't do anything about it as long as he doesn't attack you or threaten you in any way, and ultimately he killed this woman, just one evening he

killed her, and it was a very, very sad occasion. I might say that the Department of Justice is developing a model stalking law or antistalking law for the State, but if a man continually violates a civil protective order at will, that may not necessarily appear in the criminal records check in time to save his next victim, and so I want you to know that Senator Biden and I will be working on legislation that will attempt to fill this gap and get this type of information to all the States and to all the courts in all the States in a nationwide computerized ability to call up these matters and to be able to know, but it's a very serious problem as far as I can see, and we had some really dramatic testimony on it back there. In Utah if someone attacks his wife it's a class B misdemeanor; is that right?

Mr. ZELIG. Well, it depends.

Senator HATCH. It depends on—

Mr. ZELIG. Well, like if a weapon were involved then, of course, it could be a felony.

Senator HATCH. Sure. Well, let's say it's a class B misdemeanor action.

Mr. ZELIG. Yes.

Senator HATCH. How does the length of time served for domestic-violence assault compare to the length of time served for aggravated assault, and is there a discrepancy?

Ms. HORNAK. That's something we probably need to get information on from the Board of Pardons, but I can tell you this, the story that I gave at the end of my statement, frequently when it's an aggravated assault in a domestic violence situation, the case never goes to trial, it's dropped.

Senator HATCH. Why is that?

Ms. HORNAK. Because frequently women or victims want to dismiss the cases, and across the State I think prosecutors and law enforcement are not educated and well trained enough to go forward without a victim.

Senator HATCH. And they want to dismiss it for all the reasons Ms. Peuler gave in other words. She listed four or five reasons at the beginning of this hearing, the women they didn't want to go through the hassle, they may be afraid, they need the money, they're willing to live with the situation because they don't have any other alternative or so many reasons.

Ms. HORNAK. Exactly. And one of the things that I tell victims when they first come into my office is, this is the State's case, this is not your case, it is not up to you to dismiss the case, I am concerned for you, and I'm concerned for your safety, but I'm the one who has the responsibility for this case as a representative of the State, and you can't believe how often women are relieved to hear that.

Senator HATCH. Yes. Well, I really think it's great to have you two women prosecutors, and we need more. You really have a feeling for these cases that you've got to have. It's great to see both of you and to have you testify here. Judge Murphy, the integrity of our judicial system is derived from several parts which have to work in a cooperative fashion as I view it. If there is a weak point in our current system, could you pinpoint it, or do you think there's

a weak link, and if there is, what can we do about it and what would you pinpoint as the weakest part of this process?

Judge MURPHY. Well, the weakest part of the process I believe is that when we have hearings like this that it does inspire action and it inspires legislation and things like that, and then the legislation and good thoughts and the high ideals get put into the meat grinder at the courthouses and what have you and it gets lost in the process, and that's why it seems to me that two items that I saw in Senate bill 8 caught my eye, certainly the education going back to the primary grades, elementary grades, as a preventative matter, and also the assistance that courts can give if they are given the facilities and the personnel to do so to serve as a reminder to institutions whether they be courts, whether they be prosecutor's offices is that this is in a special area that needs to be addressed in order to assist the victim and hopefully to eradicate it, and so if every institution had some person to remind them all the time because of the special duties they have to abused females then I think that that would be the best way to address the problem and the major problem as I perceive it is forgetting about the problem.

Senator HATCH. OK. Anybody else care to comment about that? Ms. Peuler?

Ms. PEULER. I was just going to say I don't think there is one specific weak point. I think that we all have expressed problems that we see in the system and how we can improve them, and I think that starts with the law enforcement people who make arrests or serve protective orders, it goes to the clerks and the prosecutors and the commissioners and judges who hear the cases. I think we all could be better at serving the needs of victims and this hearing is one process that helps to remind us that we need to do that.

Senator HATCH. OK. Anybody else care to comment? All right. Let me just ask one last question here. The model police response policy for domestic-violence calls has been referred to by some as a "mandatory" arrest policy. Still, it does leave some discretion to the officers involved, and let me direct this to you, Lieutenant Zelig. From your experiences, has this policy proven effective and can it be improved upon?

Mr. ZELIG. It sure is a lot more effective than what it was like before. The barrier that we, of course, have with any type of legislation to try to address arrests is that there still is an obligation, and there should be that you have sufficient probable cause before you haul somebody off to jail, and that's the basis of all our laws. In terms of improving the law per se, the best suggestion I could offer is that laws allow a more liberal admission standard for hearsay evidence, that the evidence that officers may gain via what a victim might tell them at the scene at that particular moment has greater weight than what we traditionally afford hearsay evidence.

Again, I think the situation is very similar to our initial efforts in sexual abuse, that if we were dealing with a crime that people did not want to deal with, they didn't want to recognize occurred that was transmitted from generation to generation and on top of it all, where people thought that prosecution would be disruptive

to the family unit, and that experiment with sexual abuses, of course, proved how wrong that assumption was.

One thing that is very disappointing to my officers is when they put in a great deal of time toward these cases only to find that they were dismissed. It's just very hard to go out there day after day and make arrests knowing that there's not a very good chance that your work is going to amount to anything, and for that reason I think one of the best ways to think of this is not necessarily as being a chain with links on it, but as thinking of it being a total system. If the prosecutors and the judges are more effective, my people will be more effective. If my people are more effective, they will in turn be able to do better jobs at what they do.

Senator HATCH. Well, thank you. Anybody else care to comment? I want to thank this panel for being willing to come and take your valuable time and testify before us today. We think it's your comments that are particularly influential here, and I just want you to know that it's very much appreciated, and I think it will be appreciated by every member of the Senate Judiciary Committee, so thank you very much for coming. Thanks for being with us.

Now, if I can have the third panel come forward. I am pleased to welcome this distinguished panel here today, and I appreciate their contribution both in time and expertise. This panel represents a spectrum of those individuals in the social services area who struggle to meet the needs of women plagued on a daily basis by violence and abuse. They will hopefully give us a good overview of how the system works and where improvements are needed.

We are fortunate to have with us this morning Ms. Debra Daniels, the assistant executive director of the YWCA. Ms. Daniels has spent over 13 years working with women and children. She currently administers the YWCA's Battered Women's Program, which serves over 1,600 women and children annually. She is also a member of the Governor's Legislative Task Force and she serves as vice chair on the Utah Domestic Violence Advisory Council.

If we could have just a little bit of order here so that I can introduce these excellent witnesses. We welcome Ms. Barbara Wood, director of the Turning Point Program located in Ephraim, UT. In her capacity as director she helps numerous women and children with a multitude of social problems, including domestic violence, rape, stalking and child abuse. Ms. Wood is accompanied by Ms. Patricia Millard. Am I pronouncing that—

Ms. MILLARD. Millard.

Senator HATCH. Ms. Patricia Millard as a behavioral specialist. Ms. Millard has over 20 years of experience in social work, including 3 years as a social worker with the New Horizons Crisis Center and Shelter for Women and Children located in Richfield, UT, and she is now self-employed as a counselor offering self-improvement workshops. Our next panel member, and I don't know if Mr. Franke is here, but we're hoping he is. It's Mr. Le Roy Franke. Our next panel member is Mr. Le Roy Franke. Mr. Franke is a domestic-violence specialist and the supervisor for Adult Protective Services with the Utah Department of Human Services Division of Family Services. Am I pronouncing that right; Franke? Yes. Mr. Franke brings to this area over 20 years of experience and expertise in the social service area, and given these hearings, we're not

quite sure what you're doing half the time, but it becomes—and yet I know you and should not make that mistake.

Next is Ms. Diane Stuart, the director of Citizens Against Physical and Sexual Abuse, a shelter for battered women and children located in Logan, UT. Ms. Stuart is also the Chair for the Utah Department of Human Services conducted by our Advisory Council. Ms. Stuart is followed by Dr. John Nelson, the deputy director of the Utah Department of Health and a very close friend and somebody who I think has done an awful lot of good in a variety of areas that's nonparticipant for a gynecologist.

Finally, we've got Ms. Karen Nielsen, state-wide coordinator for Volunteer Advocates for Victims of Domestic Violence operated under the auspices of Utah's Department of Human Services Division of Family Services. I want to thank all of you for attending and being here this day. I understand, Dr. Nelson, that they want to interview you about 5 after 1; is that right?

Dr. NELSON. Twenty after. I'll follow Mr. Franke.

Senator HATCH. Excuse me?

Dr. NELSON. I'll follow Mr. Franke.

Senator HATCH. Do you want to follow Mr. Franke or go first? OK. Can you meet that appointment you have? OK. Well, then we'll go to you, Mr. Franke, first, and then go to Dr. Nelson next.

Mr. FRANKE. I feel a tremendous sense of responsibility speaking on behalf of—

Senator HATCH. And if I could ask each of you to limit your remarks to 5 minutes, it will really help us and give us a little more time for questions, because I'm very interested in your response to a number of items. Mr. Franke.

Mr. FRANKE. Did I act like I was going to talk a long time?

Senator HATCH. No. And I'd hardly interrupt you if you had.

**PANEL CONSISTING OF LE ROY FRANKE, DEPARTMENT OF HUMAN SERVICES, FAMILY SERVICES DIVISION, SALT LAKE CITY, UT; DEBRA DANIELS, ASSISTANT EXECUTIVE DIRECTOR, YWCA, SALT LAKE CITY, UT; BARBARA WOOD, EXECUTIVE DIRECTOR, TURNING POINT, EPHRAIM, UT; PATRICIA MILLARD, BEHAVIORAL SPECIALIST, MONROE, UT; DIANE STUART, DIRECTOR, CITIZENS AGAINST PHYSICAL AND SEXUAL ABUSE, CHAIR, DOMESTIC VIOLENCE ADVOCACY COUNCIL, DEPARTMENT OF HUMAN SERVICES, LOGAN, UT; JOHN NELSON, M.D., DEPUTY DIRECTOR, DEPARTMENT OF HEALTH, SALT LAKE CITY, UT; AND KAREN NIELSEN, STATE-WIDE COORDINATOR FOR VOLUNTEER ADVOCATES FOR VICTIMS OF DOMESTIC VIOLENCE, SALT LAKE CITY, UT**

#### **STATEMENT OF LE ROY FRANKE**

Mr. FRANKE. I'll watch the time very carefully. She does a good job. I was saying I feel a tremendous sense of responsibility speaking in behalf of the social service provider in the State of Utah, a network that is very dedicated and operating with limited resources and is doing a superjob of taking care of both victims as well as trying to treat perpetrators of domestic violence in the State. I thought I ought to just mention maybe one thing that hasn't been talked about. We talked a lot about the fruits of domes-

tic violence, but I'd like to talk just a little bit about the roots of domestic violence if I could for a few moments, because I think they're very, very important. Those roots, and I thought I'd just talk maybe about some of my own and where they started from, because they begin when somebody presupposes they have some kind of authority or a power over other people. This might be by race or by gender or by national origin or whatever.

For me, for example, when I was a young boy 5 years of age I remember our neighbors talking about a family that wanted to move in and how upset everybody was because they were Japanese. I was very surprised at that, because I was the son of a German, a first-generation German, and my dad spoke with a heavy German accent, but never was our citizenship status questioned. Only because they were of a different color skin, because of their eyes being a different shape, I would assume if I had been of that same racial origin probably a part of my life being raised in a tent outside of Grantsville, UT.

My second sort of experience with the roots of violence is because I'm saying the roots of violence, the roots of racism all tend to be in the same root subsystem in the same soil, and that is when I was in high school I remember a pep rally behind the high school. We were going to be playing West High School in a football game that night. I remember the West High guys being portrayed in leather jackets stealing hubcaps off of the tricycles. This was kind of a pep rally all in fun, right, but that night there was a huge fight, kind of a gang fight that occurred that made national media, a tremendous amount of violence. If you read the sports pages in the newspaper you see probably the most violent terminology used in the newspapers in terms of sporting events and activities.

What I'm saying is that many of us through the way we portray our lives, even the national portray of, for example, the Iraqis as an evil empire, we can then celebrate and be joyful because we killed hundreds of thousands of sons, fathers, brothers and feel good about that because we somehow objectified those persons and made them less than human. We can do this in the name of neutralizing the enemy, we can do it in the name of ethnic cleansing or whatever terminology you want to use.

These dynamics are the same dynamics that occur in domestic violence in our homes. We become, first of all, very egocentric in the way we believe and view the world, and then we objectify the other person. In this instance, men often judge their wives as the bitch, the cow, and they'll go from there where they can then begin to use their power and control to exert what they have over them. This is what we call instrumental violence or violence with a purpose, which is basically volcanic violence, and I think it's important to understand that women are exposed to this instrumental violence, suffer from what we call Battered Wife Syndrome, which is similar to Stockholm Syndrome or Hostage Syndrome. That's why they'll leave 8 to 12 times before they're finally able to leave the violent situation.

It's imperative that our courts and our law enforcement and other agencies understand those dynamics, understand why they are so frightened to leave a situation, because basically she's saying I want to live, I fear for my life, I'm afraid, and we must not allow

our system to revictimize those women by not allowing them the support of the system. In rural Utah many law enforcement officers like the mandatory arrest law, but they're finding there isn't the support that women need, so they go out and arrest, and what does the woman do? There aren't treatment resources, there isn't the support that they need, so often they don't even call the police, they just stay in those abusive situations, so they're further victimized in rural areas of the State.

Now, in trying to meet this expectation, the State has developed a Domestic Violence Advisory Council, and we do have written testimony submitted to you on the network we think needs to be in place to support our victims of violence and let them work with police law enforcement response, but also sufficient resources for treatment of victims, sheltering of victims, support through ongoing help through transition housing and so on, as well as effective court ordered treatment.

However, we're finding many of our resources are running short as far as 1, 2, 3 months into the year, and we don't have the funding we need to follow up and support that system, so any legislation support in terms of laws that will back us in this, we need to allocate the resources as well. I'm sure that doesn't surprise you as a bureaucrat telling you that, but we really do need the help.

[The prepared statement of Mr. Franke follows:]

PREPARED STATEMENT OF LE ROY R. FRANKE, LCSW  
UTAH STATE DOMESTIC VIOLENCE SPECIALIST

Thank you, Senator Hatch, for your interest and support in addressing the domestic violence crisis in our communities which appears to be becoming one of the major criminal, health and social issues of the 90's. I believe that the bi-partisan support we see at the Federal and State level is evidence that political and philosophical differences can be set aside and cooperative efforts initiated to commit all of the needed expertise and resources to remediate this growing plague in our families.

In order to begin addressing the solution we must first explore the roots, which bear the fruits of the violence we see. I'm sorry to say that my exploration thus far has found those roots to be deeply rooted in many of our established societal norms. They share the same fertile soil and root system as racism, sexism, social elitism and other value systems which promote the "privilege" of one group over another. Unfortunately, it appears to be historically evident that individuals who have enjoyed those "privileged positions" have many times utilized inhumane, abusive methods of maintaining the power and control those positions represent.

Understanding these power and control tactics used by abusive persons and their subsequent destructive impact on the victims, mostly minorities, women and children, is central to developing the network of preventive and treatment resources to address the problem. It allows us to understand the difference between "instrumental violence" that used to maintain power and control, verses "volcanic" or "reactive" violence which we may see in a reacting victim.

The goal of all interventions, then, be they at an institutional or treatment program level, must be to have those responsible for the abuses to acknowledge their behavior and stop all forms of abuse and victim blaming. Additionally, the goal for victims is to help them stop taking responsibility for the abusers' behavior and to develop sufficient self esteem and confidence to no longer see abuse as the norm and take steps to free themselves from it.

Within the State of Utah a Domestic Violence Advisory Council has been addressing these concerns since 1988. The Council has been instrumental in helping develop shelter and victim treatment programs throughout the State, developing mandatory arrest policies for law enforcement and working towards aggressive legislation of these cases. Domestic violence in Utah is now seen for the crime it is and no longer just as a family matter we tolerate.

Victim and dependent children safety remains the paramount emphasis of all of our interventions. It is our goal to have available to every victim in the State an array of services to support her if she needs to break from an abusive relationship

to include: Good police protection, volunteer advocacy, emergency medical services, crisis counseling, shelter care, child protection services, legal help, protective orders, and self sufficiency services such as transitional housing, and financial assistance.

The perpetrator intervention network must include mandatory arrest, when evidence of abuse exists, no-drop prosecution that makes the State, not the victim responsible for prosecution of the offense, mandatory, court ordered treatment, reports back to the court on progress, with swift sanctions for failure to follow through or if there is a reoffense. Treatment providers must be highly skilled in treating these cases, as traditional therapy approaches do not work to remediate domestic violence.

Finally, public education and services targeted to the children involved in these situations is a very high priority. Sixty-five percent of abusers were raised by abusive parents. This cycle is of grave concern as more and more abusive roots are deeply planted for their deadly fruits to be harvested in later generations. We must get programs into our later generations. We must get programs into our elementary schools similar to the "You're in Charge"—good touch/bad touch sexual abuse education programs, which teach our children to see all people as humans first.

The major roadblock to the implementation of the above goals rests simply in the lack of adequate resources to fully fund the service network needed.

In Moab, Utah, the shelter used up the available social services funds the first 90 days of the year. In the Eastern Region and South Western region of the State perpetrator treatment funding was not available after March of this year, and courts were told they could no longer expect treatment for court ordered perpetrators.

Volunteer efforts are being escalated by volunteer advocacy projects throughout the State, but they will surely fail without the resources in place to assist the victims and their children.

Administrators in the central part of the State are trying to protect their already overworked workers from taking on more expectations for intervening in these cases without more staff help.

Transitional housing remains a serious problem, in both urban and rural areas, as victims with severely reduced resources have no place to go, no way to live, but to return to abusive, often potentially deadly situations.

More support in public information campaigns and help in developing the local domestic violence coalitions is needed. Training of law enforcement, prosecutors, medical professionals and treatment providers is all necessary to help them understand and begin intervening more effectively in these cases. Communication and networking between involved agencies is critical to assure success. National models for development of local domestic violence coalitions, such as has been done with local child abuse prevention teams would be very helpful.

Responding effectively to domestic violence issues in our community is, in reality, one of the most effective child abuse prevention programs we can institute. We know that about 50 percent of the children in these homes will be abused as well, and that 100 percent are emotionally traumatized by the violence. In many instances the families being served by domestic violence systems are the same that have been or will be served by child abuse networks as well. The roots are planted in the same soil and reaping the same fruits. These will later be evidenced in gang violence, drugs, alcohol abuse, and other violent crimes.

We can act now, and get to the roots of these issues, or we can pay much larger prices later in human misery and expensive long term incarceration or treatment.

Thank you for your interest in this area, but do remember that all the best intended legislation without adequate financial support to carry out its intent will do little to help us address these issues as their root causes.

Senator HATCH. I think you do. I don't think there's any question about it, and we're trying to get some help programs and we envision this legislation will bring that help to you, and that's going to be a tough problem, because we're having lots of problems budgetarywise back in Washington, but I really appreciate your testimony. Let's start with you, Ms. Daniels. We're looking forward to hearing what you have to say.

#### STATEMENT OF DEBRA DANIELS

Ms. DANIELS. OK. A lot of what's been said today I could say over, but I'm not going to do that. I'm going to not go over the statistics that we've heard over and over again this morning, but what

I would like to do is talk about a few of my experiences in working with a shelter that sees over 600 women each year and probably a thousand children each year, that we take anywhere from 3,000 to 5,000 crisis calls in a year at the time, and my experience with what has worked and what hasn't worked, where we've come from and where we're going. I think I've had almost 10 years in this position to have a good strong look at where we are in terms of looking at domestic violence, and when I first started working in the area of domestic violence, I would sit and I would talk to women who had experience of being frightened, being intimidated, being fearful and not having a lot of strong law recourse in terms of looking at what to do with those issues.

Through our counseling we've worked to remedy some of that, but even in remedying those situations and having some laws enacted and working on those issues, I still see that we need to continue to work on education. I think that's one of our most critical links, and what I have heard is how important education is, and what I've heard is we need to be going into our junior high schools and high schools. I'm doing that today on a regular basis. I do anywhere from 10 to 25 hours of public education in a month's time.

When I go to junior high schools and high schools, what I find is that's far too late. When I go to junior high schools and high schools, young men and young women have already established their attitudes about violence, their behaviors in the relationship, they are going forward with some of those behaviors that are damaging to the family, damaging to our societies and communities, and we need to begin much earlier. I think if we don't begin to look at a program that begins to deal with the issues of domestic violence in first through third grade, we will have lost the chance to look at true prevention. We will then be working on intervention again, and that's where we are at this point.

I strongly believe that and cannot reiterate strongly enough. I have seen children come in with such blank and empty stares, with such hostile and angry attitudes toward mom, toward dad, toward the system, I've seen children come in who are totally hopeless, I've seen children stand on our second floor and say they want to jump out the window or slit their wrist because they have been in and out of our shelter so long that I can remember; one child who I saw at age 3 and now at age 10, I know his younger siblings on a first-name basis.

When I see them in the community, they speak to me and I speak to them and we know one another, because what I see with this young man when he came in this last time was a totally different attitude than when he was 4, when he was 6; and now that he is 10, he has adopted the same mentalities, the same behaviors, the same patterns, the same name calling, the same vicious cycle at age 10 has already been implemented in this young man's experience and in his mind. That's extremely frightening to me when I see a thousand of these children coming through our shelter.

We are a larger facility, so we are seeing different kinds of problems in Salt Lake than in the rural areas, and as I look at my needs and say gosh, we need these things, and I look at their needs and certainly understand how they need some of the things that we have every bit as critical. Without question, funding is a real criti-

cal point for all the shelters throughout the State. We may have child care, we may have a school here, we may have nurses coming and we have quite a few things, and I look at other areas and they don't have those things, but I hear other shelters talk about times when they didn't have women in their shelters. I have been working at this shelter for 7 years. There has never been one day when we did not have a family in our shelter, not one, not one 24-hour period where a woman did not need our services. We continue to see that increasing.

I continue to see the need for education, law enforcement, educators, school teachers, medical personnel and personnel providing help for the women. I continue to see women feeling alienated by the system specifically designed to help them. What I hope we can do through this process and through our continued work and efforts is to work to educate all levels of society who are dealing with victims and design to deal with those as well as people who live next door to them so they know what are the proper responses to address a woman's needs and issues and concerns. I know that I am out of time, but I am more than willing to entertain any questions asked me. Thank you.

[The prepared statement of Ms. Daniels follows:]

#### PREPARED STATEMENT OF DEBRA S. DANIELS

##### BACKGROUND INFORMATION

At the YWCA of Salt Lake City approximately 600 women and 1,000 children are sheltered annually. Women served represent all racial, ethnic, religious, educational, occupational and socio-economic levels. Women most of often served at the YWCA are white, married with three or more children fathered by their husbands, high school graduates, LDS background (active or inactive), age 27 years old, victims of emotional, psychological abuse prior to marriage and victims of physical and sexual abuse throughout her ten-year marriage.

Middle-income women tend to use services primarily through phone contact, walk-in appointments and support groups. They typically want to hide the abuse, preserve the marriage relationship and to portray a harmonious social, religious and familial status. These women are served through approximately 3,000 to 4,000 crisis calls annually.

In addition to providing basic needs, information and referral, education/counseling about domestic violence, services to children, the YWCA must address multiple secondary problems:

1. Substance abuse.
2. Mental illness.
3. Chronic health problems.
4. Homelessness.
5. Psychological disturbance.
6. Child abuse/neglect by one or both parents.
7. Lack of medical care.

In order to address the above issues, the YWCA utilizes resources throughout the community: legal aid, hospitals and community health centers, social service agencies, substance abuse treatment programs, housing programs and mental health services.

##### UNMET NEED/CURRENT CONCERNS

All services designed to protect women from domestic violence need to be working together to coordinate legal, housing, law enforcement, health care and shelter services. Often persons in "helping" agencies and organizations are uninformed, hostile and unhelpful, further discouraging an already fragile woman from seeking intervention. Even in 1993, the message prevails that domestic violence is a "family problem" and not a crime. In Utah law and protocol around dealing with domestic violence are adequate; however, consistent enforcement of law is inadequate. Failure

of full comprehension of the problem and failure of systems to work supportively together result in the following:

1. Women not leaving the abusive relationships.
2. Women not prosecuting their abusers.
3. Women not being able to properly parent or discipline their children; hence, the continuation of the cycle of violence.
4. Women believing that the abuse is justified.
5. Validation of the abusers' threats that there are no protections and that the victims are to blame.
6. Higher health care costs, absenteeism from schools and the work force, acceptance by children of violent peer relationships.
7. Death of victims.
8. Inadequate funding to domestic violence services.
9. Perpetuation of unhealthy relationships and the further institutionalization of violence as an acceptable means for families resolving conflict.
10. Reinforcement of the belief that women and children don't have rights.

#### RECOMMENDATIONS

- 1. Treatment for women, children and perpetrators to deal with the long-term ramifications of domestic violence.
- 2. Continued funding for shelter, treatment, legal aid for victims of domestic violence.
- 3. Establishment of a funding base for treatment for children who are living or have lived in violent families.
- 4. Education on all levels of society, including key target groups: judges, law enforcement agencies (officers, chiefs, dispatch officers, support staff, etc.), hospital staff, religious leaders, teachers.
- 5. Stricter penalties (to possibly include actual jail time, longer sentences) for perpetrators who re-offend, stalk or harass a victim.

#### PROGRESS TO DATE

The statewide Domestic Violence Advisory Council has taken the lead in education, legislation and advocacy in the area of domestic violence. Accomplishments in the state of Utah include:

1. Successful legislation in 1990 which increased legal protection of victims, provided funding for perpetrator treatment and established policy for law enforcement.
2. Establishment of Salt Lake County domestic violence council to focus on needs of larger urban areas.
3. Increased funding base for domestic violence programs, including specific funding for children's needs (i.e., the legislature created a Children's Trust Account to provide a means to implement child abuse and neglect prevention programs (section 62A-4-409) statewide).
4. Increase in number of shelters and safe houses throughout the state since 1976.

\* \* \*

*Salt Lake City, April 12, 1993.*

Hon. ORRIN G. HATCH  
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: First of all, I want you to know that I appreciate your efforts to address the problems of domestic violence through the Crime Control Act of 1993 (S. 8). Secondly, I want to provide written testimony relating to those individuals not often recognized as victims of domestic violence, the child witnesses of family violence.

Each year in Utah, approximately 144,075 children witness the battering of their mother. Those children growing up with family violence witness the threats, physical assaults, angry and demeaning verbal exchanges, and the resulting bruises and injuries from violent episodes. All too often, these children are also direct recipients of these abusive experiences when attempting to intervene in the family violence or as recipients of inappropriate discipline/parenting approaches.

The effects of exposure to family violence often results in significant health, emotional, behavioral, and social problems for children of all ages. These problems often require immediate attention by those of us working with the children in battered women's shelters. Although often not identified directly to family violence, these ef-

fects may be receiving treatment by professionals in health care, mental health, and educational settings. Long-term effects are evident in the generational transmission of violence. Sixty-five percent of the children growing up in abusive homes will enter into abusive adult relationships, 70 percent of the male partners in domestic violence cases come from parental and/or child abuse circumstances.

The effects on children vary according to the age, sex, and role in the family and to the extent and frequency of the violence. Infants may often be victims prior to their birth since 25 percent of women who are assaulted are pregnant at the time of the battering. Infants may experience disrupted attachments with their mother, and may suffer injuries during violent episodes due to their close proximity to their mother.

Seventy percent of toddler and preschool age children experience mood-related problems (anxiousness, depression, anger and rage). These children are often receiving inappropriate and inconsistent parenting which contributes to emotional and behavioral problems. In addition, these children have often not received adequate immunizations and related health care.

Latency age children often exhibit inappropriate problem solving and conflict resolution skills in social and school settings. Gender differences begin to appear in the emotional and behavioral problems these children exhibit. Girls may display excessive passivity, depressive symptoms, and withdrawal. Boys may display excessive aggression, agitation, and increased acting out. Essentially, these children are beginning to adopt the roles of victim and abuser, roles learned from their parent models.

Adolescents who are in the process of forming relationships outside of the family are at risk of establishing relationships in which violence is an acceptable means of addressing conflict. Adolescents may engage in delinquent behaviors, run away, and be abusive towards their mother or siblings.

Regardless of age, children have the tendency to inappropriately attribute the violence in the family to themselves. This results in feelings of excessive guilt and responsibility. As a result, children may engage in parent-like behaviors such as caretaking of siblings in an attempt to minimize the potential of conflict in the family.

Identification of child victims and the subsequent interventions for these children is difficult. Commonly, these children are initially identified as victims by their presence in battered women shelters. Shelter settings are often the first setting in which interventions and resources specific to the issues of family violence are made available to children and parents. Interventions include providing a safe place, immediate crisis interventions and consultation and referral services. Referrals may include Child Protective Services, health care, and mental health services.

In order to break free from the generational cycle of family violence, children from violent homes need to have access to comprehensive interventions that address the issues associated with family violence. In addition, prevention and promotion programs addressing family violence would help in addressing the issues of violence on a larger social scale and in a long-term manner.

It is my hope that this testimony will provide information on the consequences domestic violence has on the unintended victims, the children. Furthermore, if there is opportunity for you to develop or support provisions in the Crime Control Act (S. 8) that allows for greater attention to children's issues and needs, it would be greatly appreciated.

Sincerely,

JULIE EPPERSON, M.A., A.T.R.,  
*Coordinator of Therapeutic Services of Children of Battered Women,*  
*YWCA of Salt Lake City.*

Senator HATCH. Well, we appreciate it, and you have a tremendous amount of experience here, and we appreciate all you do for this community, and I'd like to get even more acquainted with what you do and I want other members of the delegation to get more acquainted.

Ms. DANIELS. Come and visit our shelter. I'd love to give you that opportunity.

Senator HATCH. We will. And that's great, and we've got some ideas for you too, so we appreciate all of you people who operate these shelters and help. We keep educating us and keep working with us, because I think every member of our current congressional delegation is very concerned about this issue, and Senator Biden

and I are concerned, and as I view the rest of the Judiciary Committee, I think they are as well, so your time is not wasted. We appreciate you being here.

Ms. Wood, why don't we go to you next, OK.

#### STATEMENT OF BARBARA WOOD

Ms. WOOD. Thank you. Senator Hatch, ladies and gentlemen, I'm very happy to be here today.

Senator HATCH. If you could get just a little closer to that mike. I'm afraid you just about have to.

Ms. WOOD. In rural Utah we see many barriers related to the domestic violence issue. I feel very strongly that domestic violence is not treated as a crime, that it is not understood that there is irrational thinking on the part of the perpetrator and the victim and the judicial system. There are no records kept, the legislative system and the judicial system seem to be totally out of touch with women's issues. There's a lack of equity. The perpetrators are oftentimes not punished. There needs to be education, especially around the issue of what is serious bodily injury.

The situation that I faced when asked to testify today, I began thinking that perhaps I would gather some statistics for the last 6 months, but then I decided well maybe for the last 3 months, and then I thought well maybe for the last 6 weeks. When I looked at 6 weeks, I was looking at over 100 cases in rural Utah. What you finally received was just last week.

When I looked at the things that are occurring, I'd like to talk to you just a little bit about some of the things that happened the last week in my office. It began on a Monday morning with receiving a telephone call from a woman who was calling me from her place of employment. She said would you please come over and visit with me? Don't come during my break and don't come during lunch. I really need to talk to you. I said what seems to be the problem, and she explained that she had been very severely beaten the night before. Her husband had stalked her for years, he makes very certain that she doesn't talk with anyone during break or anyone during lunch or any other times.

I went and met with this woman and talked with her on the phone as well. We made arrangements for her to leave her home that evening. She would be home from work exactly at 4:30. I called the police department and was told to call the sheriff's office. When I got a hold of the sheriff's office, they said they would meet me there at 4:30. I went there at 4:30 and the woman came home, and I was parked just across the street at another house. I waited for about 25 minutes and no officer showed, and then went to a local convenience store and called and finally got an officer over there. The officer came in and when we went into the home it was very evident that she had been beaten in several rooms of the house, broken furniture and appliances, ceramic pictures, mirrors, everything else around. She'd not had time to clean it all up because she'd gone to work within an hour after the beating had stopped. The officer walked in and said, do you want to press charges this time, and she kind of smiled, because she said this officer has been to my house several times to break up these fights, and she said I can't have it be like it was last time. She said I

signed the paper for him to go away, and you didn't even have him an hour and he was back here and he kicked in the back door and beat me again. The officer said well, we'll make certain that that doesn't happen this time, so he went out in the garage to talk to the alleged perpetrator and she and I visited and made arrangements to get someone to take care of the kids. We talked about who would do that.

As we went through, in less time than it took the physician at the hospital to examine her, the husband had bailed out and was back out on the street. Within an hour of her being taken back to the home, he was back at the home. She called the dispatcher and they said well, unless he's doing any physical damage to you, there's nothing we can do. This went on for 4 days with different incidents occurring. Her cycle of violence is every 2 weeks. He's been arrested 17 times, and yet he can bail out in less time than it takes the physician to examine her.

I see women in my office who have been victims of rape, who have been victims of all sorts of crimes that dehumanize a woman. I see women who are there on visitor's visas, who are there illegally, who are threatened with deportation if they tell the stories of the horrors that they go through on a daily basis. If we wish to stop this multigenerational problem, we must look at it as being a crime. Thank you.

Senator HATCH. Thank you.

[The prepared statement of Ms. Wood follows:]

#### PREPARED STATEMENT OF BARBARA WOOD

My name is Barbara Wood. I am the director of the Turning Point program in Sanpete County. Our project services the six-county region known as Central Utah. A total of six counties, one-fourth of Utah's land mass, 20,000 square miles is encompassed within this region. This area requires three site directors for our project to adequately service the single parent/single pregnant woman/displaced homemaker clients within the region.

This region is serviced by one crisis center located in Richfield, Utah. The crisis center last year housed 147 individuals within the shelter. Many of the clients I service are in crisis in one way or another, and due to the fact there is only one crisis centers, largely manned by volunteers, within the region I see many of the victims of domestic violence within my county.

I would like to share with you some of my experiences within the last six weeks. I wish to offer some suggestions for change to the problems I identify. Please bear in mind I am reporting only one county's statistics as I have seen them occur. I do not see or hear all that goes on within the county and definitely not within the region. Perhaps what I have observed will assist in understanding the problems faced within the rural area concerning domestic violence issues, focused mainly as seen through the eyes of its victims. Things have improved the last few years—the officers now do not tell victims they must pay to receive a protective order. (At least not all the time.) Protective orders are at times now granted on weekends even if the County Attorney's office is closed. (This is still somewhat rare, improving though.)

I would like to begin talking about a young lady (M.B.) who came to me on a Sunday evening around 6 p.m., looking for a place to live after having been severely beaten by her husband—a beating which lasted approximately two days. She had attempted to call for help and finally reached the local police department, when her young son slipped out a bedroom window and went for help. Upon reaching the police department, an officer did come over and investigate. Her husband took off just before the officer arrived. The officer noted the bruising, the broken appliances, and various other things within the home, and told her he would be happy to come back if the husband returned. Later that evening, the husband did return and the officer did again come back to the home. At that time he informed M.B. that it would be best not to have her husband arrested for he had done this many times in the past, she knew he would eventually cool down, and besides if he were arrested then how

would they put up bail and, of course, he would lose his job and how would he support the family? This is the seventeenth time she has called for help when she has been beaten. Each time it becomes worse. Her husband has yet to be arrested. They have seven children who are having many problems within the school system.

Miss S.D. is a young woman who has had three children without benefit of marriage. The first child was abducted by a proposed father and at the time the child was approximately three years of age. There was a great deal of difficulty in this young woman receiving help from any agency to regain custody of her child. No one within the area wished to go against the county officials because the family was rather well-known within the community and it was felt quite strongly that the grandparents wanted to have control of this child. The young lady eventually moved to the community where she has had great difficulty with a boyfriend who has been stalking her. He follows her to the grocery store, he follows her to pick up her mail, he follows her when she gets gas for her car, he follows her everywhere that she goes. As she has been attempting to gain an education, the boyfriend has followed her to school, waited in his car while she is in classes, and then as she leaves school he follows her home. When she reported this to the police department she was informed that she had no legal right to pursue this because they had never been married. And since this young man had shown interest in her, she should be happy. He accepts responsibility for his part in the relationship and for the child.

Most of my afternoon was involved with a young lady (D.R.) who is married and has three children. She called my office because she had been very severely beaten. The beating had commenced at approximately 9 p.m. and continued until 3 a.m. the next day at which time the husband became exhausted and went to bed. She went to work the next day with bruises and abrasions, amid threats from her husband. He followed her to work to make sure she went to work. At her break he followed her to make sure she went to break with no one. He was there at lunch to ensure she could talk to no one about the issue. However, she had slipped away during the work day and called me and reported that she had been abused. Apparently it was a pattern with him to observe her during her breaks and lunches at work. She had set him off this time by having a coke with one of her friends. He felt that she shouldn't be drinking coke. I made arrangements to meet her at her home the very moment she arrived home from work and informed her I would call the police department and have a representative there. I arrived at the appointed time and waited for approximately 20 minutes. The officer did not arrive. I went to the convenience store and telephoned the sheriff's department and asked that an officer be sent to the scene. I went back to the residence and waited and an officer finally arrived. He was not, however, dressed in uniform but was in plain clothes, which was fine. He apologized for his attire and we went in to see the woman. She smiled when she saw the officer and said he had been to her house numerous times in the past breaking up their fights. She informed the officer that she had enough of it and didn't want to take any more of his violence. She also told the officer that this could not be like it was last time where her husband was arrested and then back within a couple of hours to beat her again. I pointed out to the officer that she had enough physical evidence of the beating for there to be an arrest. The officer turned to the woman and asked, "Do you wish to swear out a complaint?" She said yes, I will do whatever it takes. I just can't have this happen to me anymore. I want to get away from it. I want to get out of it. Things are getting worse and worse. The officer then excused himself and went into the backyard where the husband was working. I continued to talk to the woman and we surveyed the damage that had occurred in the home the night before during the man's violent outburst. There was broken furniture, broken dishes, broken appliances, ceramics, pictures, mirrors, telephones had been pulled from the walls. It was obvious the beating had taken place in several rooms of the house. Eventually the officer came back in, told her she would have to swear out a complaint, and went to his car to see if he had any domestic violence forms for her to sign. He came back into the house, the woman signed the domestic violence form, the officer signed it, and then I signed it as a witness. She asked at this time, if her husband could be held at least overnight so that she could find a safe place. The officer told her that her husband had the right to make bail anytime, but that in order to make bail, he would have to sign a paper in which he promised not to come on the premises. If he bothered her again he would be charged with a felony. This officer was made aware of the fact that this was not the first time the husband had beaten her, that he had been released before, gone straight to the home and beat her quite severely. She was very uncomfortable with this situation. She begged the officer to keep him overnight so she could find a safe place. The officer said he could make bail if he had the money. My suggestion at the point in time was to allow the woman enough time to obtain a telephone, for the night before the telephone had been used in the beating. When she tried to dial 911 for help he

pulled the telephone out of the wall and used it in the beating. The officer said this was not his responsibility to provide a phone. The woman said there was a phone in the garage and she would like that phone brought in before he left with the husband. That way she would have it to call in case she needed help. The officer went out and came back in with the man into the home and said, "He is going to wash up and then I'll take him to the police station." The husband said she could not use his phone. The officer stated he had to pacify the husband too. The officer left with the husband in the police car.

I took the woman and her children in my car. I dropped the children off at day care and took the woman to the hospital to have her injuries evaluated. Before we finished with the doctor's examination, she received a phone call from the sheriff's department informing her that her husband had made bail. I returned her to her home, provided her with a telephone, and she informed me a friend would come to stay the night. Within two hours of his release, the husband was back at the home threatening her. She called the police, told them what kind of car he was driving for they had not responded in time to catch him there. The next morning he again was at the house trying to kick in the door. She dialed 911 and the police response time missed him a second time. She then phoned me at home asking what she could possibly do. I informed her that the shelter was still an option. She stated if she left the home, he had told her he would destroy everything in it. I then called the sheriff's department and they informed me the husband was at that time talking to the judge for he wanted to press charges against her for she had hit him back. He did, however, have no bruises.

The officer informed me he would be arrested and I could call back in an hour to verify that. This man was charged with a felony, and released. Within four hours of his second release he was back at the residence driving slowly in front of the home. When D.R. called the sheriff's number she was told by the dispatcher that unless he came on the property there was nothing they could do. When the perpetrator started with harassing phone calls she again called the sheriff's department and was informed that there was nothing for them to do unless he came to the residence. At this time she called me to see if she could still go to the shelter because she was so afraid. I told her the shelter was always an option for her. We talked a while and I suggested that she call the original arresting officer and talk to him. If he was not available that she call and ask that an officer be sent to the residence to see just what they would do for her. I felt she was not getting the whole story concerning her rights from the dispatch person. She called and an officer came and talked to her for some time. The officer stated he would patrol the area frequently. The officer took a picture of the car her husband was driving, and told her to call and ask for him if she had any more trouble. It is beyond my realm of comprehension to understand why this woman must police her perpetrator. Why it is necessary for her to report his comings and goings to the police. The police department is fully aware that this is not his first offense of domestic violence. The man has been imprisoned for drugs and violence, and he has been arrested many times in the past for domestic violence. The police department is aware that his pattern of behavior is to return to the scene within hours of his arrest, yet they did nothing to protect her. Knowing all this, he can make bail in less time than it takes her to be examined by a physician.

Is there no accounting for even a judge to hear of or consider prior events? What is it going to take for us to make a change? A death, two deaths, three deaths? How many? How many is enough? What's the value of a woman or a child in Utah? If you observe what I see as society's reality, it isn't worth much. My opinions are formed by what our rural society shows me. We say that Utah's future is its children. Yet time and time again I observe children who have watched their mothers being beaten or have been beaten themselves. They watch the person they expect to provide them with security and strength and love, brutalize all members of their family. This becomes a pattern. It becomes a cycle. The above mentioned woman stated that her cycle of abuse was a two-week cycle. Meaning that every two weeks she could expect him to erupt and a beating occur.

Mrs. C.C. was being victimized by her husband. She was victimized with extreme abuse, sexual abuse, physical abuse, and emotional abuse. Her husband manipulated her. This woman did not realize she had any rights whatsoever. As we talked, and I told her that abuse also was his threats and the name calling, it took her approximately three weeks of periodic telephone calls to get enough courage to go to the shelter. She was concerned about using a shelter within the region because he was such a well-known person within the region and he knew where the shelter was as part of his duties as a leader in the community at large. Finally, we made an appointment for me to come over to pick her up. It was a morning after quite a severe beating. As I drove to the home to pick this woman and her two children

up, I arrived and was greeted at the door and she said, "I'm not quite finished. I'll be just a few minutes more." I walked in the home. Everything was very immaculate, everything was in its place, and I followed her into the kitchen where she was busily preparing a lunch for her husband. She had made a chocolate cake and she was putting the finishing touches on his lunch. She said she had to make sure his lunch was fixed the way he wanted it before she could leave. I think this story more than anything else demonstrates the irrational thinking used by a woman who is the victim of "battered wife syndrome."

Last week the court system referred a young man to my program to take some classes on developing respect for women. This young man is in high school and was arrested for the rape of a 12-year-old girl. When questioned by the court he stated this girl was asking for it and he provided it. The lawyers in the court room agreed that if our young women have poor moral standards they can only expect men to take what they can get. It took the juvenile probation officer being outraged by this moral value system to get this young man referred for help. His own father stated it was OK to get it where you can. It was my understanding that a 12-year-old girl is not considered old enough by the court to consent to sex. The offender is punished by going to classes to learn respect.

V.S. was brought to my office by her husband. At that time she was in much distress. She was crying and wanted to have some help in finding a place to live, a way that she could earn money to support herself; to pay for help for herself and her children. She stated she had no money and her husband wanted to get a divorce. She explained to me that he was abusive and wanted her to be sent back to Costa Rica. We talked for several hours with the help of an interpreter (J.C.). I learned the facts surrounding her situation. She was in America on a visitor's visa, her husband was in the process of obtaining citizenship. V.S., her husband (O.S.), and the three children had been staying with his mother and stepfather. V. was very hesitant in stating anything negative about her husband or his family. She was afraid of what would happen to her. She simply stated that she could no longer live there. She said O. yelled at her a great deal and that she and the children were not wanted at her in-law's home any longer. She felt that life there would be dangerous for her son in particular.

O. then entered the office and told a story of great interest. He stated he wanted V. to leave his mother's home due to the fact the children had been stealing food from his mother's food storage. It was now necessary for the family to lock up all food so that V. and the children could not eat except for what they were given by O. or his mother. If the children did not eat when O. told them to and what he told them to they could not eat again till the next day. V. cried and admitted this had been happening. Her story was that often O. and the family insisted the children be punished by being sent to bed without food. O. stated that the boy was very wicked. That he would take tools and hide them in his room in the basement. When asked where the tools were the boy would bring them to O. O. stated he had beaten the children many times with a belt. He felt this was not wrong, but was in fact his right as a father. That he had thrown the baby across the room, and was very adamant about the fact that he had not beat V. He turned to V. and asked her to verify that he had not beat her, she admitted that he had not beat her. She stated he had grabbed her by the throat, and choked her till she passed out, he had thrown her against the wall, had thrown things at her but he had not beat her. He had hurt her much more by the terrible things he would say to her. She said the things that O. said to her and to the children were much worse than the beatings or the physical abuse could ever be. She stated she wished often that he would only hit for that would be much easier to live with than the scares of the awful names and things said. O. made several threats concerning the boy R. who was about 14 years old at the time. O. stated that R. was the devil reincarnated and that he should not be permitted to stay anywhere but should be locked up. O. stated that when they lived in Costa Rica he did not have to work for he was a very rich man. He said he used to drink and go with many other women. When V. did not do as he said for her to do, he would force her to prostitution in addition to her work at sewing for many. Now he had joined the church and did not do that any more, V. must obey him now. He now had the priesthood and so V. must do whatever he said for her to do and so should the children. I made arrangements to have V. and her children stay at a shelter for her and the children's safety. O. and his family refused to allow the children or V. to eat that day. And being aware of the fact we had made arrangements with the police department to transport V. and the children to the shelter, O. told V. that the police were coming to take her away and to lock R. up so she would never see him again. V. was very frightened yet the fear she felt for the police coming was not as great as the agony she was experiencing in that home.

She left with the officer about eight p.m. The following is part of V.'s story as she tells it.

\* \* \*

DEAR SENATOR HATCH: We came to the United States on the Dec. 5, 1991. My husband Oliver had come to the United States on Oct. 2, 1991. Oliver had served in the military (for the United States) and wanted to see if he could obtain his citizenship then he would send for us. Oliver called me on the phone and said for me to come to America. He said it was taking him longer to get his citizenship papers and he wanted us to come on a visitor's visa. Then he would get citizenship papers when we got there, that it would be better to do it all as a family. Oliver's mother's husband was in poor health and told me that if Oliver and I would come here to be close with her she would see that we had a home to live in. We came to America to make a life with the extended family. I had no idea that the abuse I had from Oliver had began with his mother.

After we arrived in the United States Oliver tried to pass the test two times and failed. In the meantime life with Oliver and his mother was very difficult. Oliver would become violent with Roberto when he would steal an apple or potato to eat. Oliver would count the squares of toilet paper we were allowed to use in a day. Oliver would count the toilet paper after each use and would check the counters and the toilet seat to make sure that there was nothing splashed on them. He did this whenever the children or I had to use the bathroom. The children and I were only allowed to use the bathroom in the mornings. The bathroom was off limits in the afternoon and yet when Tracy, who was two at the time, messed in her pants Oliver demanded that I spank her hard, I was not permitted to say no. This for me was very painful. The children and I could only eat what Oliver and his mother said. Sometimes when the children were made to go to bed without food they would take food from the food storage room. This made Oliver very angry. Oliver would accuse Roberto of stealing money, tools, and food because he would see it in the room. Roberto would take the food, and he was using the tools to perform the jobs Oliver demanded that he do, or when he needed a tool for a class at school. When Oliver asked for the tools, Roberto would give them to him. The room that Oliver's family assigned Roberto to stay in was the room where tools were kept. So when anything was not in its place Roberto was blamed. Oliver's family said that the children and I would steal from them. I say yes, we sneak our daily bread. Oliver said that I took \$10 from him. Oliver and his mother made me search through the room Roberto was assigned. While they watched we searched all our belongings, then Oliver went to the school and searched the children's lockers. Roberto later admitted to me he had taken the \$10 and gave it to me. He said he had taken the money so that I could get away from Oliver. He knew that if he took the \$10 it would split the marriage up and he would not have to live there any more. Oliver found \$8 at the school.

Oliver's abuse had been going on for a long time before we came to America. Then he joined the LDS church and I thought that things would be better. I knew that he would not be drinking anymore and I was hoping he would be less violent. In the past he would go to many other women, and had even tried to prostitute me to show he was the boss.

Oliver did not beat me once we were in America. He would put his hands around my throat and choke me and throw me against the wall; but he did not beat me. The things that he made me do to the children, and the things he said to the children and to me were much worse than any beating. He did beat Roberto with a belt and he would throw Tracy against the wall when he was mad at her. Seeing my children day after day denied the basic food they needed to survive, watching as Oliver would make Roberto do things and be embarrassed by the names he called him at the school was much worse than beatings to me. We lived on the edge a very intimidating state where nothing was ours, nothing was to be touched, nothing was to be used, nothing was to be eaten without permission from Oliver and his mother. Oliver counted the apples, the bananas; the food in the fridge was marked so that nothing could be eaten without Oliver's knowledge. I could go to the store with Oliver, but if I asked for anything he would yell at me and tell me nothing I wanted was important and that I should be grateful I was being so well cared for. Then Oliver would tell me, don't you know how to be grateful? When are you going to show your gratitude? Oliver would tell me and the children how to bathe. Oliver would become very angry if we did not do things like he wanted. When the children would not do what he wanted they had to go without eating for a day at a time. They would have to stand in the corner for three hours at a time. They would be beaten.

Oliver and his mother now say that I only married Oliver so that I could be in America. They have tried to take Tracy; they offered to give me my citizen papers if I would trade Tracy for the papers. I said *No*, this is not what I want. When I first went to see Barbara Wood at the Turning Point office all I wanted was to find a way that I could take care of myself and my family. I was willing to go back to Costa Rica. Now Oliver has sold everything and there is nothing there for me. I care for my children. I know they will have a better life in America. I want to stay here, yet if this is impossible I will go back to Costa Rica. I will not give Oliver Tracy just so that we can stay in America. Oliver and his mother will destroy Tracy the way that they tried to destroy all of us.

I beg you to help us in any way possible. I want to stay here. I want to give my children a better life. I trust that whatever God sees as the best for our family will be fine with me. If I am permitted to stay I wish to go to school and become a nurse. I will support my family whatever the outcome.

\* \* \*

This is not the end of her story, for when she went to a lawyer suggested by the Latino Counsel he told her he would not take her case. There were hundreds like her every day who wanted help and he could not help them all.

I have seen within my office women who are here on visitor's visas; women who are here illegally who are being beaten, prostituted, and dehumanized in many ways. They are threatened with deportation if they report their treatment. Is not America a country which prides itself on human rights? Why then do these basic barriers to adequate and appropriate service to women and children in rural settings exist.

J.H. came into my office begging for help. She is the mother of six children who is married to a man who has made a great many changes in the last few years. He left a \$49,000 a year job to come to Manti and join a cult. He expected her to live by the rules of this cult. When he gave her a paper called the "Law of Obedience" which said he was a God to her and she must do everything he asked, she left him. He threatened her with being stoned (by the members of the cult—a punishment for disobedience) if she did not come and live with the head of the cult for a time as his second wife till she learned how to obey. She came into the office looking for help very frightened of this cult her husband belonged to. They had stored many guns and ammunition and felt they did not have to obey any laws of the land. We arranged for her to leave and go to a shelter with four of her children. She left the two older children for she felt her husband had so well indoctrinated them that they would endanger the rest of the family if she took them with. When the husband found we had taken her to a safe place, he very severely beat three people who had assisted his wife. One of the people who he had beaten required hospital care. Yet, knowing this when the family went to court on the protective order, the court officer took precautions to make certain no weapons entered the court. The judge, however, stated this action was scheduled wrong, it was running into lunch hour and he wanted to be done with it. The judge did not listen to all the testimony; he simply stated that the husband was still in the home and therefore could provide better for the children, and for the wife to relinquish all children to the husband at once. The baby was still being breast fed and had never been away from its mother. The judge stated this was a large family and they should make every effort to reconcile their differences. J.H.'s attorney stated the judge had overlooked proper legal procedure in at least 17 different incidents.

- My hope is that you can now see some of the barriers to adequate and appropriate services to women and children in the rural setting.

- Police, county attorneys, judges seem to be out-of-touch with women's issues and instead perpetuate the male dominance in society. I see no sexual equality.

- I feel that our officials tend to believe the perpetrators more readily than the women and they support men rather than exploring the facts and responding to the fears and reality of life for abused women and children. I fail to see the stance that places a woman and her children out on the street because the man who is a perpetrator is not held responsible for his actions.

- Officers in the small communities frequently know the perpetrators and/or are related to them, so they befriend them to calm the men down, instead of putting limits on the abuser. Often jail is not used. Police seem to be unaware of the value of jail as a limit setting tool, not to mention "it is against the law to assault women."

It is not unusual for an officer to take an accused perpetrator out for coffee to "cool him off" and then return him to the home. The reality of life for the abused woman and her children is not an issue. Instead we spend money to fund programs

for children at risk, to fund trackers to provide the children with socialization skills. And at the same time our legal system is seen as supporting the kinds of behavior which dehumanize all concerned. With the increase of violence in the home, the increase of dysfunctional behavior is seen within the children so that when the cycle is finally broken the children have little or no respect for a system which let them down.

- Local police officers and county attorney's often state they are not aware of the "new" laws concerning domestic violence. They support each other and when families move from one area to another you will not see domestic violence cases prosecuted with more than a reserved attitude. Judges give almost no punishment—most can count on probation or light fines. Some judges try to keep the family together by "giving" the children to the abuser, so the wife will return to her proper place in the family. I have seen one judge even go so far as to rule that the parties must live in the same home for three months or forfeit all rights to equity in property.

I have experienced police chiefs yelling and verbally abusing victims when their rights are encouraged. This onesidedness is so glaringly apparent that it denies all *equal protection under the law*. I have also experienced officers whose genuine concern and compassion provide the victim and the perpetrator with a clear understanding as to the law. I only wish these officers were the rule instead of the exception.

Rape cases are not considered when the victim is viewed as less than an upstanding citizen in the community. Often I have heard they got what they asked for. When the violence is associated with drugs, alcohol or dating my feeling has been that these cases are not to be believed. I realize that these cases are difficult to convict, yet I feel strongly that there must be reports filed and investigations conducted in some kind of a convincing manner.

Domestic Violence Legislation is apparently unclear, for Friday night the officer stated if there is permanent damage we have a case. The wide range of opinions as to what "serious bodily injury" is renders the law of no value. Bruises, broken bones, concussions, head injuries, and mental health issues must account for something.

*One of the most important issues to facilitate change in the domestic violence found in the rural area is the opinion that domestic violence is not a crime.* It is of vital importance that the perpetrator be held responsible for his crimes and that a record of his activities be made available wherever he may go. *Without the authorization of use of criminal history records the perpetrator is free to continue to inflict the violence against society.*

Until these come about, we must be ready to continue to fund programs for at-risk children, aid to families with dependent children, prisons, homeless shelters, and mental health centers to the max for the participants will be there.

Rural Utah must see an increase in cooperation through training for law enforcement, social services, judges, attorneys and other social agencies regarding domestic violence issues. When we can provide victim sensitization training for all involved on a regular basis, allowing those officers who have demonstrated their understanding to train and empower other officers, then we will be able to make a difference in how women and children are treated. This training must take place at least every three months to provide effectiveness.

I feel strongly that battered wife syndrome and abuse must be understood more clearly. When the community is unsure what abuse is, ways to handle the perpetrator and the victims are not comprehended. Not knowing what to expect or what not to expect to happen, it is not unusual for a perpetrator or a victim to act irrationally. Rational people do not fix a chocolate cake and prepare lunch for the person who just broke three ribs, sprained your wrist, and blacked both eyes. At the same time, do not expect the victim to leave the perpetrator just because it is the rational thing to do. Information must be provided in this area. Fear and knowledge do not exist on the same plane.

It is possible to have private citizens, both men and women, who are trained to go to the scenes of the domestic violence and calm and support both victim and perpetrator. Leaving the police free from this areas under police control, the men and women assistants offer gradual training to the police officers regarding the Do's and Don'ts. (Within the rural area the concern for having enough police support within the communities is a real issue. Perhaps this is one way of handling that issue.)

I feel that it is vital to have written material to leave with the victim and the perpetrator so that both know what abuse is and what services are available to them. During the actual trauma of the situation, neither one is really able to retain the information provided. Though this is part of Utah's suggested procedure, it is

not enforced. I feel it serves the police well and they in turn do a better job when this information is made available.

I feel strongly that law enforcement must be required to notify local agencies, shelters etc. *on each and every domestic violence call, no matter what the end result.* In this way consistent calls and mailings are available and serve to encourage both the perpetrator and the victim to take charge of their lives and get assistance. *(We have the means to remove the shame-based secrets that keep this behavior multi-generational.* The officer is not alone and can then see that change takes place over time and can provide support to the needed areas over time.

I do hope that my providing this information for your review will somehow give you a feel for what I experience each day. The frustration that was mine this morning as I completed this paper was great when I found out that M.B. has not been heard from for three days. Her husband had continued his beatings—remember we don't arrest him for he might lose his job, and then who would support the family?

Senator HATCH. Ms. Millard.

#### STATEMENT OF PATRICIA MILLARD

Ms. MILLARD. Thank you very much. As you indicated, I am no longer working with domestic violence, but it's still very much an interest of mine and many of the clients I work with individually come through domestic-violence sources. One of the things that is very important is the understanding of the cycle of domestic violence and the mentality of the male and the female. The men are very, very persuasive, and when people who are not aware of his cycle hear him, they believe they are sincere, and they may be at the moment, they believe them, they are victims, and then they don't believe the women because the women are more perhaps passive, maybe a little more docile because they're frightened or whatever, but if people were aware of the cycle and the mentality here and you can see the cycle right in front of you, you can hear it on the phone, and I'm amazed that people miss it. I mean I'm hearing this and people are missing it, and I realize that I'm educated differently, and so we've got to get people to understand the cycles so they can recognize it; police, judges, attorneys, county attorneys.

We must have a place for women, whether they accept or not isn't the issue, but jail is a limit setting tool, jail is a tool. If the police officers saw that as a tool, they wouldn't have to have their goal be conviction, their goal could be, let's give this guy another technique. This is a technique to use and it works. In a rural area, the policemen often cannot visualize this person they know so well as a victimizer, and they don't have to, they don't have to, and they need to shift that off, that they do not have to believe that this person is an abuser, they simply have to gather information, make sure the exams are adequate and make sure there are pictures taken, et cetera.

When cases go to court in rural Utah, the judges want so desperately, it seems, to keep families together that they are not supportive of women's statements about abuse. There are cases of judges trying to keep families together by giving the children to the abuser, and the women then are forced to stay in abusive situations, or they leave their children with abusive men. We have problems on occasion, and it's not often that a direct-line officer or a higher in authority officer will actually verbally abuse the victim in front of the children, and think of the legacy the children have. How are they going to respond to policemen in the future, maybe

women are to be simply abused, and yet there are some fine officers as well.

I think the police can support in knowing how to carry out a domestic-violence intervention. They need support. It's dangerous, it's no fun, and I was hoping that sometime we could have volunteers or paid people, men and women, to go on scene after the case is settled and more quiet to have an abusive man—have a man go over there and work with him and have a woman go for the woman and talk to them on the level that they need to be hearing at that time, and have a man tell a man this is not appropriate and you need to settle these other ways, how about you come here, there or whatever and start a system or a program I think would be very effective.

Victim sensitization videos. I think every police officer, county attorney, judge, the shelter workers, anyone, other victims need to see victims and the effects on the children. A lot of women do not believe it affects their children, but it does. Once they are convinced of that, they tend to be more motivated to move and take charge of their own lives for the sake of their children.

And cross-training. A legal person, training that this is not a territorial issue. Written materials handed out on the scene, I know many places in Salt Lake do that, there don't seem to be funds, or they will not use the funds. Why can't some of the drug moneys that are picked up be used to fund having on hand support for the perpetrator and for the abused person and it's given on the scene. It's like you can't pay attention when you're in that kind of trauma. And what about having domestic-violence calls, every one, referred to some kind of a central agency in the area or a social services or something to where there's at least a followup call or there's a brochure sent out to that home, and even if they moved, so what, you've at least made a contact, and what about a 3-month followup, and I know those things may seem hard and they may seem very intertwined, but there needs to be some long range and even subtle kind of things that we can get in the people hands and they can use them when they're ready. Thank you very much.

Senator HATCH. Thank you. I appreciate it, Ms. Millard.

Ms. Stuart, we'll hear from you now.

#### STATEMENT OF DIANE STUART

Ms. STUART. Thank you, Senator. It's a pleasure for me to be here this afternoon. Quite a few things have gone through my mind as to what I should say today, but as I listened to our last speaker, I finally came to the conclusion that I need to talk a little bit about the coalitions that can be formed throughout the State.

Several, actually I think it was just a couple of weeks ago I was watching a news report of the commander in Somalia, and he was trying to tell the reporter there what he was doing and took her through a lot of what was happening there, and he brought her to the point where the trucks had brought in the bags of grain and they were sitting on bags over here on his left, and then over here on his right he had an individual that was sitting and she was putting the grain out of these large bags into smaller containers and giving them to the individual people in the line, and he showed that to this reporter to distinguish the difference between delivery

and distribution. He turned to the large bags that had just been brought in by the trucks and he said this is delivery, and then he turned to the woman who was putting the grain into the smaller bags and he said this is distribution, and he put his finger up and he said there's a difference, and I think for all that we're doing on a national level, on a State level, there's a difference between delivery, moneys, personnel, programs, whatever it may be, and distribution.

It's not easy for individuals who are on the front line, wherever they may be, to do what they do. There's a tremendous amount of burnout, there's a tremendous amount of pressure on them. They do what we all do. We personalize what we hear. We hear these stories and a little bit of us is involved in that, a little bit of us is part of that story because that could be us, or what would we do in that situation, how would we react? We make it very personal, and when we do that, we make it very difficult to do a good job where we are.

Money is not getting to where it needs to go. It's not being distributed. It's coming down, it's been appropriated, but it's not getting out to the areas. It's being pulled for other very good things, but not to where it's supposed to go. We're right now putting together training. We're going to go to every single county in the State, some of them we're bringing the counties together, but there will be 17 trainings. These trainings are to train the individuals in the coalitions that you kind of spoke of, the prosecutors, the law enforcement, the shelter people, the treatment people, the hospital people from that specific area, and try to help them enhance the program that they're already doing or that they're trying to do. We're not doing it with very much money. We're putting in money from the prosecution office, from social services, and the people that are going out aren't being paid for their time in most cases, or they're being paid on a very minimal thing.

That's one very basic thing that we could do that would be this prevention process, this education process that we've talked and heard so much about today. We need to help the individual areas solve the problem in that area. Only they know where the problems are. We don't know in Logan what the problems are in Ogden, and Ogden doesn't know all of the problems in Richfield or in Moab, which had closed down for a week because they simply did not have the funds to continue, and the city was so taken aback by that that they were able to lend their support and they were able to reopen with the city support. More cities should take ownership in what's happening, more cities ought to become part of it.

We brought this wonderful visual aid. Le Roy insisted that I bring it, and I tripped all over it all day, but it kind of shows the components of exactly what can be going on. Something that we've talked about is not on here, and that's schools, so there's more. This isn't complete. This is just the beginning. We need to do more. And the key thing I think is that we need to work together. Thank you.

Senator HATCH. That's great. I also have this sheet that you prepared, and I think it's just excellent, the two sheets that you've given to us from CAPSA, Citizens Against Physical and Sexual Abuse.

Ms. STUART. That, Senator, is two forms or two sheets that are being used by individuals working with domestic violence all over the United States. It came out of the Duluth, MN, program.

[The prepared statement of Ms. Stuart follows.]

#### PREPARED STATEMENT OF DIANE STUART

In agreement with the Preliminary Comments to Senator Hatch, dated March 5, 1993, I, too, do not believe in federalizing everything. I do, however, believe in Federal leadership. It is to those in national leadership positions that States look to for direction. Federal priorities "set the tone" for state priorities which, in turn, focus the posture and direction of local energies and resources. Those in Federal Leadership *must* take a firm stand against domestic violence and sexual assault.

I appreciate the opportunity to assist in that endeavor.

#### I. DOMESTIC VIOLENCE

##### *Education Equals a Change in Attitude*

Abuse or violence within a family or close relationship is an intentional act used to gain control over another person. Physical abuse supports other kinds of violence; it is only one part of a whole system of abusive tactics. This concise definition is not understood by many. In fact, the foremost solution to the problem of domestic violence and sexual assault may be an understanding of the dynamics of abuse and a rendering of accountability. One we term education and the other we term penalties and remedies. In reality, both are *prevention* because both change attitudes about what is abusive, and, in turn, places responsibility where it belongs.

Senator Hatch's Crime Control Act of 1993 (S. 8) begins to address both. I will leave most of the discussion of penalties and remedies to others, and concentrate on education because I strongly feel that with education comes a change in perspective and consequently, a change in the way we treat others. The myth of family violence as a "Family matter" may be at the heart of why domestic violence and sexual assault continue to ravage our country. Unfortunately, it may truly be an invisible crime.

##### *Generational cycle*

Paramount to an understanding of domestic violence and sexual assault is the awareness that there exists a generational cycle of violence. Children who experience abuse in their childhood, either directly through perpetration or indirectly as they witness abusive behavior, are at an extremely high risk to grow up to be in abusive relationships. That is, they are at risk to be either the perpetrator or the victim.

These children may have internalizing behavior problems, such as depression, anxiety, or withdrawal. They may exhibit disrupted sleeping and eating patterns, or they may have internalizing social competence problems, such as poor school performance or poor school involvement in academics and extracurricular activities. Further, external behavior problems may surface, such as aggressiveness against others (especially peers), involvement in gangs, and delinquency.

In a domestic violent home, as a perpetrator strikes out at a victim, either directly or by destroying property, children are often injured indirectly. One half of the time, the perpetrator will intentionally harm the children. Pregnant women are at an extremely high risk to be physically abused, many loosing the unborn child. Additionally, many children are used as "pawns" by one parent to "get at" the other. It is reported that 350,000 are "snatched" each year, 77 percent of the time to hurt the other parent.

Considering the involvement of children in violent relationships and the propensity for these children to learn and repeat what they experience in the home, our priorities should be directed by the implication that domestic violence is one of the principal components at the root of much violent activity.

##### *Desensitization to violence*

Society's desensitization to violence is a growing concern. A series of questions were presented to 163 youth advisory delegates attending the 1991 General Assembly of the Presbyterian Church in Baltimore, MD. The response of 76 percent follows:

1. 81 percent think they are exposed to more violence in their daily life than their parents when they were their age.

2. 74 percent know someone in their age group who has been a victim of battering or sexual abuse.

3. 82 percent know someone in their age group who owns a gun or other lethal weapon.

4. Only 31 percent think violence in TV shows, movies, rock music and videos contribute to violence in our society. Only 8 percent think violence in sports contributes.

The low percentage of those who think media contributes to violence elevates the concern of desensitization. While media certainly cannot be pointed to as "causing" violence, the recent investigations into the impact of our modern method of communication, i.e., television, are warranted. MTV has shown (Educational video "Dreamworlds" by Professor Sut Jhally of the University of Massachusetts at Amhurst, 1992) that women are viewed as objects, as an item to be used, and consequently abused. This attitude of objectivity appears to seep into our sub-consciousness and may take effect. It is my personal opinion that MTV ought to be on "Pay-for View" television, and not readily accessible without cost.

Often we (society/government/institutions/media/social services/religion/etc.) do contribute to maintaining victims of abuse. Below are the subtitles taken from the power and control wheel (enclosed for reference) which is used by many working in the area of domestic violence and sexual assault. The words at the hub of the wheel communicate that power and control are at the core of abusive behavior. The descriptions of behaviors shown on the spokes are used by a perpetrator of abuse. These behaviors often lead to physical or sexual violence. As society exhibits some of the same behaviors, society may be no different than a perpetrator. I have commented on each from society's perspective.





### Using coercion and threats

"If your telling the truth, then report it. If you don't report it, you're not telling the truth."

We cannot make it a criteria of eligibility that a victim report. *Not all victims can report.* Not all are ready to report. We *must* believe that individuals:

1. Have the right not to be abused.
2. Have the right to freedom from fear of abuse.
3. Have the right to choose to change the situation.
4. Have the right to return to the abusive environment, if desired.

We *must* be committed to return the control back into the hands of the victim.

### Using intimidation

Gatekeepers (Clerks, Dispatchers, Telephone crisis workers) often intimidate with looks (e.g., suspicious, non-believing), actions (e.g., taking a long time to pay attention to the victim, requiring detailed information "immediately"—"for the records we must keep"), and gestures (e.g., pointing, whispering to another, laughing).

### Using emotional abuse

Many of us will ask why the victim didn't leave. A question like this directed to a victim of domestic violence or sexual assault implies she is somehow responsible for the abuse. "If you had left, then it wouldn't have happened. But because you stayed, it's your fault." A better question would be to ask *how* the victim stays. What does the victim focus on: Fear? (Fear of him? Fear of unknown? Fear for children?) Lack of finances? Social or physical Isolation? Guilt (it's my fault. If only I

would change, everything would be alright)? Emotional Attachment (unwilling to break up family) or Hope (the violence will stop and things will get better)?

#### *Using isolation*

The most difficult isolation is social isolation. When there is no-one to turn to for help, for advice, for comfort, for confidential support, then an individual has a deep feeling of isolation. When the individual is not believed, their integrity is threatened, compounding the isolation.

#### *Minimizing, denying and blaming*

Social Services protects resources: "Are you *sure* there is a problem. We only have so much resources. We must be careful that people don't take advantage."

Prosecutors drop cases: "If it's not important for her to prosecute, then it's not important to me."

States pull funding from programs: Do we minimizing the problem when we don't allow enough money for perpetrator/victim treatment? Often domestic violence and sexual assault don't have the same priority as child welfare or foster care.

#### *Using children*

Custody Laws are not often sensitive to the dynamics of domestic violence.

#### *Using male privilege*

This speaks for itself.

#### *Using economic abuse*

Lack of job opportunities. Insufficient housing. For example, not enough low income housing available (Doesn't the inclusion of the term 'low income' say something powerful?), or too many landlords who will not allow children.

### SOME POSSIBLE SOLUTIONS

As the problems surrounding sexual assault and domestic violence are multifaceted, so are the solutions. There needs to be a broad-based effort to meet the needs and provide the means by which to understand the options which are available. Adequate resources are needed in several areas:

#### *In communities*

- Make available training programs for all who come into contact with sexual assault and domestic violence victims:

Law enforcement

Dispatchers

Shelter crisis workers

Emergency room personnel

Court clerks

Attorneys, both prosecution and defense attorneys

Probation and parole officers

Judges

Clergy

Victim advocates

Teachers

Treatment providers

- Develop community coalitions made up of the above.

#### *In schools*

- Develop awareness among youth of acts that constitute domestic violence and sexual assault.

- Make available educational seminars for school-age children designed to change attitudes regarding rape.

- Teach nonviolent conflict resolution.

## II. RAPE

### *The Issue of Consent*

When struggling to understand the issue of consent as it pertains to rape, there are two influences that need to be considered: External and Internal. In an attempt to understand influences, one basic fact needs to be remembered: Rape is not a "sex crime". It is a crime of *violence*. A man who rapes is not "making love". He is *sexually assaulting*.

*External influences*

The external control of violence is often minimized as an influence on the victim giving consent. Fear, as generated by the actions, gestures, and words of the perpetrator, may drive the victim to fail to fight or forcefully express that she does not willingly give consent. When intercourse is surrounded by violence—beating, choking, hitting, smashing things, destroying property, displaying weapons, etc.—fear is present. It is not normal to want to engage in the most intimate act of human beings with another individual who creates fear. It is fear that may create inconsistencies in the retelling of the assault.

*Internal influences*

Not all individuals react to violence in a "fight or flight" response. Many "shut down" and only faintly express non-consent. Internal influences such as the prior experiences of the individual, perceptions of societal (or peer) expectations, or family values may contribute. Reoccurring abuse may condition an individual to the belief that there is no other alternative. There is nothing they can do to stop the rape. No-one cares or will do anything to help. They may even feel that they deserve the rape because of their past. Getting the victim to trust may be the most important job of crisis intervention workers, law enforcement, and prosecutors.

*Training for investigation of rape*

It is extremely important that law enforcement officers are trained to be sensitive. Too often they, as well as many others, have their own idea of what a rape victim should look like. In reality, she may be very different. For instance, many rape victims block the event out, not remembering immediately what happened. As time goes by and the individual regains control of her or his environment, she may be able to remember more of the details of the assault. Some victims cry uncontrollably and others have no emotion because the event has paralyzed her mind and feelings. The more the victim participated in the events proceeding the attack, the more guilt and shame she will feel. Isn't it interesting that the degree of participation holds the same degree of guilt for some members of society.

Domestic violence and sexual assault need to have the same status as a robbery. Officers need to investigate for evidence in the same way, maybe even with the same intensity as a murder investigation. Rape and domestic violence are the "Murder of a Spirit".

## CONCLUSION

The most important element of a National task force on violence against women is the establishing of local task forces on violence. The multi-faceted solutions need to be recognized on a national level and implemented on a local level. Education is the crucial element. The greatest obstacle that small rural communities face in solving domestic violence and sexual assault problems (besides a lack of adequate resources such as money, education, and trained personnel) is isolation. Families who are enabled by extended family and friends, will continue to respond to their life stressors in violent ways. Communities who cannot respond in a positive manner permit the violence to continue.

The opposite of Power and Control is Equality. Equality means more than minorities receiving equal justice. It means trust and support, honesty and accountability, shared responsibility, economic partnership, negotiation and fairness, non-threatening behavior, and respect. It means the *most important* element in this world is each human being and the relationships we have with each other.

Senator HATCH. That's great and I think it's going to be very helpful to all of us. I'm going to go to you, Ms. Nielsen, next and we'll let Dr. Nelson wind it up. We were going to make you first, but we'll make you last now.

Dr. NELSON. That's all right.

Senator HATCH. OK.

## STATEMENT OF KAREN NIELSEN

Ms. NIELSEN. Thank you, Senator Hatch and distinguished peers, for this opportunity to address domestic violence. Without having an opportunity to understand the complex problems of domestic violence and violence against women, any attempt at rectifying the situations which emerge from this horror will be mere "bandaid so-

lutions." In order to begin a dialog on solutions, we must confront the insidious sources of violence in America, respond proactively against violence as a system, and reeducate our children toward nonviolent means of expression.

I would like to submit to the Senate at a later date a more detailed comparison and contrast of Mr. Biden's and Mr. Hatch's bills. In my brief exploration of these bills, I observed that the Hatch bill omitted important civil rights issues addressing the root of the problem of violence against women and replaced this focus with heavier punishment levied on the perpetrators of domestic violence and sexual assault.

[The comparison and contrast paper follows:]

#### THE ROLE OF THE OFFICE OF SOCIAL SERVICES IN THE COORDINATION AND PROVISION OF DOMESTIC VIOLENCE SERVICES

This paper has been prepared by the OSS Domestic Violence Steering Committee to present the components of an effective domestic violence treatment network and to outline a blueprint of services that Office of Social Services regions can follow in helping develop each local community's response to domestic violence.

The role of the Office of Social Services in the delivery of domestic violence services has evolved differently in each of the four regions of the state, and even quite differently within each region. Some regions have developed staff positions to provide services, while others have relied mainly on contracted services. Some have focused most resources on victim services while others have focused more attention on perpetrator services. Some areas of the state have effective local coalitions or volunteer advocate programs, while others have yet to develop those resources.

The Office of Social Services (DFS) has been mandated by the State Legislature as the lead agency in coordinating domestic violence services.

Likewise, with perpetrator treatment contracts all moving to the open ended format next year, OSS is responsible to be the referral point for court ordered perpetrator treatment services.

Please note the figure on page 3, which outlines the following basic components of a domestic violence service network:

1. The Office of Social Services coordinates the development of a Local Domestic Violence Coalition that includes law enforcement, prosecution, court personnel, legal aid, perpetrator treatment providers, shelter/victim treatment providers, medical care staff, volunteer advocates, and other appropriate community members. This coalition coordinates services and assures that the domestic violence treatment components are in place in each community.

2. Components of *effective victim treatment* include the following services that may be provided by OSS staff, OSS contracted providers, other agencies or volunteer advocates:

- a. *Public education and prevention services* including TV, newspaper, radio, presentations to schools, churches, local civic clubs, public service agencies, etc.

- b. *Sensitive and consistent law enforcement response* to victims (trained in DV dynamics).

- c. *Volunteer advocate service* to assist victims in obtaining needed protective orders, connection to self sufficiency services, etc.

- d. *Emergency Medical Services* (aware of DV dynamics).

- e. Available, on site, *crisis counseling* for victims.

- f. *Shelter services* to protect victims and their dependents.

- g. *Assessment for and referral to child abuse or neglect* and when indicated (usually in about 50 percent of cases).

- h. Assistance in obtaining *protective order*.

- i. Individual and group *counseling for victim*.

- j. Referral of children in domestic violence situations to appropriate *childrens' protection/treatment programs*.

- k. Connection to *self sufficiency services* including public Assistance, day care, food stamps, medical care, transitional and permanent housing, legal help, etc.

- l. Development of a *volunteer advocate system* to facilitate the above services staff does not have the time to provide.

- m. *Family reunification services* when the victim and perpetrator wish to reconcile.

3. Components of *effective perpetrator services* include:
- A *consistent arrest policy* by law enforcement following the cohabitant abuse act.
  - Consistent application of *no contact orders* and enforcement of *protective orders*.
  - No-drop prosecution* when evidence of abuse exists.
  - Court ordered *perpetrator treatment* by licensed perpetrator treatment providers which is of sufficient duration and frequency to remediate the abusive behavior (usually at least 24 weeks, but no less than 12 weeks).
  - Effective *coordination of perpetrator treatment with victim treatment and feedback to courts*, particularly when the perpetrator fails to follow through on treatment.
  - Family reunification* services when the perpetrator and victim plan to reunite.
  - Protection* of victims and dependents from inappropriate family or couple treatment that places the victim in jeopardy of more abuse.

CURRENT MIX OF OSS SERVICES AND WHETHER CONTRACTED OR DIRECTLY PROVIDED BY OSS

- On-Site Crisis Response by Volunteer Advocate:  
Contract Providers (2) (Moab and Brigham City); OSS (0).
- Victim Shelter Services:  
Contract Providers (7); OSS (6).
- Childrens' Treatment Services Available at the Shelter:  
Currently available (5); Not available (8).
- Victim Intake and Treatment Services:  
Contract Providers (7); OSS (6).
- Connection of Victim to Self Sufficiency Services and/or Ongoing Counseling:  
Contract Providers (5); OSS (8).
- Legal Advocacy and Help in Obtaining Protective Orders:  
Contract Providers (5); OSS (8); Legal aid offices (3).
- Referral to Medical Services:  
Usually made by law enforcement, some by providers or OSS.
- Perpetrator Treatment Intake and Assessment:  
Contract Providers (10); OSS (4).
- Perpetrator Treatment Services:  
Contract Providers (11); OSS (3).
- Recruiting, Training and Supervising Volunteer Advocates:  
Contract Providers (6); OSS (2).
- Coordinating Local Domestic Violence Coalitions: \*  
Other Agencies (3); OSS (8); No local coalition (8).
- Public Education and Prevention Services: \*  
Contract Providers (4); OSS (6); Both (3).

RECOMMENDED OSS LOCAL OFFICE ACTIONS TO FACILITATE OR PROVIDE THE NEEDED DOMESTIC VIOLENCE SERVICE COMPONENTS

1. Assign a staff member to facilitate the development of a local domestic violence coalition and to coordinate with the coalition to assure that the components of DV services are available in the community.

The State Domestic Violence Advisory Council will provide training technical assistance and support to the local coalition similar to what is now being done through the Child Abuse Prevention teams.

2. Assign a staff member to provide or coordinate the provision of victim services, including emergency medical services, crisis counseling, shelter services, protective orders, ongoing counseling and support and connection to self sufficiency services and necessary legal services.

3. Assign a staff member to assure that appropriate crisis counseling is being provided and appropriate referral to child protective services and/or childrens' counseling services are being made for children involved in domestic violence incidents.

4. Assign a staff person to accept referrals from courts for court ordered perpetrator treatment services and to provide the treatment or refer the perpetrator to an appropriate contracted treatment program.

---

\* Northern Region has just hired a coordinator for DV services to assist in providing/facilitating this service in Logan, Brigham, Ogden and the Davis County area.

5. Assure that failure of court ordered perpetrators who fail to follow through on treatment, or who re-abuse a victim, are referred back to the referring court either by OSS or a contracted provider.

6. Coordinate with DFS, the State Domestic Violence Advisory Council and the local domestic violence coalition the training of local law enforcement, prosecutors, medical personnel, treatment providers and others as appropriate, in domestic violence issues.

7. Participate, as needed, in the domestic violence community education and prevention efforts initiated by the local domestic violence coalition.

8. Support the development of local volunteer advocate services that provide initial and ongoing support to victims to help them access law enforcement protection, legal systems, housing, medical care, and social services.

Senator HATCH. Let me have your comments.

Ms. NIELSEN. Submitted as part of my written testimony is the research that I participated on advocacy and the potential for that here in Utah. I am the Statewide Coordinator for Volunteer Advocacy and I will address any questions about that after my verbal testimony. In the remarks here I will focus on medical protocols and child-abuse definitions related to domestic violence issues.

Studies indicate that as high as 37 percent of all women entering the emergency rooms are there because of the injuries received in domestic violence. The number of domestic violence injuries to women exceeds those of rapes, muggings, and auto accidents combined. A need for responsible proactive intervention at this level must be addressed through Federal legislation requiring professionals to report any severe bodily devastation, "non-accidental trauma," perpetrated by an intimate partner. The reporting procedure needs to be protective of the victim's safety. If the victim does not wish to press charges nor have any investigation from the law enforcement agency, this needs to be taken seriously. However, a simple call and a report of the incidence shouldn't endanger the victim. In the long run, this report, along with complete medical documentation will serve as admissible evidence in court.

The subcommittee which I cochair on medical protocol of physicians, nurses and other health professionals will implement medical protocols in Utah. Four components of these protocols are: One, questions asked directly regarding the origin of the injury; Two, assessment of lethality; Three, referrals; and Four, thorough charting is done. Protocols equal secondary prevention. Prevention of further abuse may result in the saving of lives, millions of dollars in medical bills and further in treatment. Federal funding in support of this is needed desperately. The children. One must consider the children. The severe emotional trauma that witnessing domestic violence creates must be criteria for "mental injury" under the Federal definitions for child abuse. We must recognize the needs of these victims who often wear no physical bruises but progress to become victims and perpetrators of domestic violence as adults.

These concepts lead to informed policies which makes clear our role as responsible State agencies in identifying and investigating these underrecognized victims of child abuse. In Utah, 144,000 children currently live in violent homes. Every 15 minutes four Utah children witness domestic violence. Children who grow up in violent homes are 7 times more likely to commit suicide, boys who witness domestic assaults, father beating mother, are 24 times more likely to commit a sex crime.

I ask the Senate to actively seek sensitivity to the victims of domestic violence. Treatment and intervention for victim survivors is a must. It saves women's lives. Eighty percent of women who complete therapy do not return to abusive situations. Title III, "Civil Rights" in S. 11, has clearly been omitted from Mr. Hatch's bill. A reluctance to recognize that at the genealogical root of violence against women as the most overt and covert force one group of people in our society exercises over another clouds our perception of this most destructive form of sexism. Why? Due to the stigma the victims of domestic violence are painted with, the myth that they brought it on themselves, they had it coming, or if they had any sense they would just leave, prevail. These are difficult spells to break. These spells keep us in a deep trance of inaction. Federal laws need to protect against the bias of gender-motivated crimes, the crimes that constitute bias in violation of the victim's rights to be free from discrimination on the basis of gender.

Thank you.

Senator HATCH. All right. You're welcome. We're happy to have your testimony.

Dr. Nelson, we'll make you our last witness here, and then I have some questions for all of you.

#### STATEMENT OF DR. JOHN NELSON

Dr. NELSON. Thank you, Senator, very much. It's an honor for me to be here. For the record, my name is John Nelson, and I'm wearing several hats today. I am a practicing obstetrician gynecologist, which is how I first came in touch with this subject, unfortunately. I'm also the Deputy Director of the Utah Department of Health on a part-time basis right now, and of course a parent and husband as well. I think that the scope of this problem has been pretty well laid out for you.

Senator HATCH. And you're also one of the leaders of the American Medical Association; is that right?

Dr. NELSON. Well, thank you. It does not surprise me and it does not surprise most of us that you would be the kind of person that would lead this kind of an effort, and I thank you for your sensitivity as well as your courage to bring forth this very difficult issue. It's difficult for all of us to talk about. The statistics are overwhelming. The amazing part is probably 37 percent or so females who come to the emergency room are there directly or indirectly as a result of abuse of some sort. Domestic violence is the leading cause of injury to females between the age of 15 and 40.

Senator HATCH. Do you think it might be higher than that?

Dr. NELSON. Yes, sir; I do.

Senator HATCH. You think that's really a low percentage?

Dr. NELSON. There's no question that there are people coming in for things that are not verbally that. If someone comes in with a broken bone, the first thing—

Senator HATCH. And a lot of women are afraid to say.

Dr. NELSON. Absolutely. There's no question. And it's also very difficult, I might add, as a physician to ask those kinds of questions.

Senator HATCH. Yes.

Dr. NELSON. I point out to you something that has been submitted to you. Dr. George Lundberg, who was in the Journal of the American Medical Association, asked for articles a year ago and got several hundred, which have now been compiled after having been proofread very carefully. One entire issue of JAMA was on the battered female, a very impressive thing to read. I think my concern today and the focus I'd like to give you—

Senator HATCH. JAMA being the Journal of the American Medical Association?

Dr. NELSON. Yes. The thing I would like to point out today is that this issue, in my opinion as well as the opinion of Dr. C. Everett Koop, a former Surgeon General, of Dr. Lundberg who was the editor of the Journal of the American Medical Association, that this is a public health issue as well as the other things you've heard about today and, therefore, lends itself to epidemiological research and the public health model. I think that's something we need to keep in mind very clearly.

Hopefully, also, as we go through this tremendous change in health system reform, this will not be lost in that large millet. We certainly hope that there will be an increased knowledge on the part of the general public, the clergy, medicine, law, the legislature and law enforcement officers.

One simple example to show you how difficult this problem is. Physicians tend to be able or feel that they're able to solve things. We have the story of a young woman who was in a terrible situation and was told by her physician repeatedly just to leave. She finally did leave, and after having gone across seven States, changing her name and so forth, one morning sitting at the breakfast nook with her 18-month-old child, a gunshot rang out hitting the child squarely in the head and killing him. The domestic violence perpetrator, in fact, was her husband who said well, if I can't have the kids neither can you, the point being that this goes on and on and continues on.

One of the things we're trying to do is to come up with some answers. These people who are victims and admit they're victims, 68 percent want to tell their physician. Unfortunately, physicians are not skilled in this area. They don't document it, they don't ask the right questions, we don't know how to ask the questions, so we're trying to do that. In the Department of Health we're trying to bring together the local health officers so that we can use the existing resources to help us get where we need to get. We hope to be able to use organizations that are already in place, not make new ones, thereby costing more money. We also are trying to do a couple of things. There's so much to do, but we're trying to categorize and chronicle in a scientific way the victims of domestic violence. But more importantly from a medical standpoint, we are attempting to teach the young physicians, the students and the residents, how to ask these difficult questions. Example: If I were to ask a patient "Have you been raped?" the likely answer is no. If I ask the question "Have you been forced to have sexual relations against your will?" a more likely answer might be yes. But if I were to ask "Are you frightened to go home?" or in some other general way asked the question correctly, you can appreciate that if we ask the question correctly, we're more likely to get the answer.

We also want to point out to you the tremendous work that's currently being done by the American Medical Association and the Utah Medical Association auxiliaries. Among the things that these wonderful people are trying to do are to make money available for volunteer coordinators to start hospital programs to support a team where physicians can help referred patients. We also want to mention that we recognize these things are in all straits of society.

Finally, as I conclude, I'd like to point out that this is not just the problem of other people. This is a problem of all people, Senator. This goes across all social or economic stratum, all walks of life, all races, everything you could think of demographically it goes across them stratum. We hope, therefore, that we're going to be able to come up with a meaningful way, along with your bill, to make sure that we recognize the problem, find it much earlier and prevent it. The goal obviously is to detect, if we could, to whom these things may occur and prevent them before they occur. I thank you very kindly for your attention and I'll answer any questions.

Senator HATCH. Well, thank you, Dr. Nelson. Let me just say how much I've appreciated this panel and the suggestions that you've made. I've been very impressed with each and every one of you. Ms. Daniels, I'd like to just ask you who pays for all this here at the YWCA that you are a member of?

Ms. DANIELS. Well, there are two primary sources of—

Senator HATCH. And if you had enough money, what would you like to see done?

Ms. DANIELS. When we talk about funds, there are two primary sources of funds. We have a contract with the State of Utah that provides about two-thirds of our funding, and United Way provides the other third. However, when I look at the issues at hand for us, we deal with spouse abuse as a primary issue, but we deal with so many secondary mental health issues, substance abuse, chronic health problems, homelessness, psychological disturbance, child abuse and neglect and lack of medical care, so when I look at what other kinds of things, I look at more services in-house for children, I look at an ability to do aftercare and followup for the women and children who have been in our facility. I find it very difficult when a woman leaves that we have no way, no resources really—

Senator HATCH. No followup.

Ms. DANIELS [continuing]. To do any kind of followup outside of our support group system, and I sometimes believe that for those who come back continuously, if we had an arm to reach out and support and help nurture that woman through the most difficult times in the process of leaving, that she may not look at loneliness, finances. We could help to realize some of the difficulties and provide resources for that so that she does not have to go back for any reason other than her own decision to do so, but we see women going back many times for a circumstance that maybe we could provide help and support for, but we don't have any resources in that area. Those are two critical areas.

Senator HATCH. So you're limited in resources?

Ms. DANIELS. We're limited in everything.

Senator HATCH. You really never have enough money; right?

Ms. DANIELS. Well, when you look at the problem, you look at the kind of numbers that we see and the time that we are putting in and committed to this program, again when we have so many children coming in and we're limited in what we can do with the children in terms of treatment, and we're also limited to what we can do for the women and the children once they leave our facility, so that would be some areas that I would certainly take a look at if we have funds available.

Senator HATCH. All right. Now again, let me just ask you this, because you really are articulate on these issues. Where do you get your funding? How does it come? Is it through a variety of social service agencies, is it Federal or State?

Ms. DANIELS. Well, we have a contract with the State of Utah.

Senator HATCH. So the State of Utah puts some money in.

Ms. DANIELS. And it provides about \$215,000. We have a contract with United Way and that contract provides about \$96,000. We have a budget of about \$300,000. When you look at contributions from other communities, foundations, we look at our budget being closer to \$400,000. When you also look at it, we provide for paying for actual medical visits that a woman or child might have, everything else that she finds necessary we provide for that individual.

Senator HATCH. And you handle about 1,600 people a year; about 1,000 children and 600 women?

Ms. DANIELS. That's right.

Senator HATCH. Is that right?

Ms. DANIELS. That's right.

Senator HATCH. So you actually have a budget of less than \$500,000, most of which is provided by the State and/or charity?

Ms. DANIELS. Correct. The State, United Way and/or charities.

Senator HATCH. And you also have a network of people who assist you I take it, ministers, various other social service organizations?

Ms. DANIELS. We utilize every resource in the community that we can actually find to get our hands on.

Senator HATCH. Does it work well?

Ms. DANIELS. We have extremely supportive services in the community. We work with nurses that come in and provide immunizations. We find that most families that come to our shelter—

Senator HATCH. Are these volunteer people or are they paid also by Social Services?

Ms. DANIELS. We have nurses that come in and provide actual medical care, immunizations and followup.

Senator HATCH. Are they paid?

Ms. DANIELS. They are paid through a different system. We have another nurse that comes in and does health education once a week. They are paid by the Department of Health. We have a woman that comes in and does education on marital rape and sexual assault twice a week, and they are paid by the Rape Crisis Center. We are utilizing a lot of other resources.

Senator HATCH. But I take it you never really have enough money?

Ms. DANIELS. No. We don't.

Senator HATCH. So you really make every dollar count?

Ms. DANIELS. We stretch it as far as we absolutely can.

Senator HATCH. All right. Now, I want to turn to Ms. Stuart. You're in a smaller city, in Logan; right?

Ms. STUART. Right.

Senator HATCH. What would your budget be per year?

Ms. STUART. It—

Senator HATCH. But your problems are not any less significant?

Ms. STUART. Pardon me.

Senator HATCH. Your problems aren't any less significant, they're the same as they have here at the Rape Crisis Center here?

Ms. STUART. That's right. That's right. We operate at about \$127,000 a year. We have a staff of—

Senator HATCH. Does that cover your needs?

Ms. STUART. We make it do what it can do.

Senator HATCH. So you have a lot of dedicated people who really are making it do, but it still really doesn't cover all the needs?

Ms. STUART. No. No. It really doesn't. There's so much more that we could do. The other aspect of that is that I spend a tremendous amount of time raising funds, either writing grants—

Senator HATCH. When you could be working with these people?

Ms. STUART. That's right.

Senator HATCH. Well, how about you, Ms. Wood, is there enough money to assist you in the work you do?

Ms. WOOD. Well, I'm—

Senator HATCH. Hers is similarly situated who are experts in helping people.

Ms. WOOD. Our program is funded through the Crawford Grant and the Utah Displaced Homemaker Grant. This year we wrote the proposal and asked for about \$90,000 from the two. We're servicing a fourth of Utah's land mass.

Senator HATCH. Is that right?

Ms. WOOD. Six counties.

Senator HATCH. And on \$90,000?

Ms. WOOD. Yes.

Senator HATCH. Is it adequate?

Ms. WOOD. No.

Senator HATCH. You need more help?

Ms. WOOD. Absolutely.

Senator HATCH. Ms. Millard, you've gone into your own private occupation now in counseling people; right?

Ms. MILLARD. That's correct.

Senator HATCH. And do you have to go out and hustle up clients, or do they just come to you, or how do you get them?

Ms. MILLARD. Some come and some I hustle. I have several clients that I take on a regular basis that have no funds.

Senator HATCH. Who pays for you to do this?

Ms. MILLARD. Well, they don't.

Senator HATCH. You just help?

Ms. MILLARD. I consider that my volunteer work as part of that. However, when you look at the massiveness of it, if you advertise too much, then you have this overwhelming need. I also will be doing some small groups that I will offer to some parts of the community for free as well on self-management skills, et cetera. There is never enough funding, because with creativity there's always an—

other way to do it, and I would hope that we could come together with some new ideas on how to make use of one person in multiple ways.

I think sometimes there's a narrow slotting or pigeon holing that people get into, and in the rural areas I would think it would be even more necessary that people look out and say well, what skills does this person actually have, or what does he or she bring educationally, et cetera, and then be able to branch out and allow them that flexibility. You're bringing in even more volunteers or maybe a lower rate of pay person, maybe if they're pending a shelter or something so that there could be more flexibility for people with higher skills.

Senator HATCH. OK. Now, as I see it, the fundamental emergency response to domestic violence is to provide shelter for women and children who must flee a violent home. As well, the Rape Crisis Centers offer victims a secure place for sexual assault victims or survivors. Unfortunately, shelters and crisis centers are not always available, especially in rural areas and I take it in rural Utah. Now, would any of you care to comment or elaborate on the current availability of shelters and crisis centers in Utah and whether or not there's a role for the Federal Government with regard to this? Mr. Franke?

Mr. FRANKE. I think the availability is spotty, depending on the word you choose. It is spotty. Along the Wasatch Front I think we have very good coverage.

Senator HATCH. Do you think it's adequate?

Mr. FRANKE. Adequate in terms of funding, no. Adequate in terms of availability and the services they're rendering, they're wonderful programs, and I think a woman who is abused is going to get helped by the system. The problem is the average woman is sheltered about 6 days in this State. Because of the Battered Wife Syndrome, she needs at least 30 days so she——

Senator HATCH. So she might have to just come right back to the same situation as before?

Mr. FRANKE. That's right. Because of the type of distortions that occurred to this woman, she's not thinking clearly and she's going back to soon, so a tremendous need exists for transitional housing, for example, where a woman could go for a period of time while she's establishing herself. The more severely abused a woman is, the more economically dependent, the more likely she's going to go back, because she fears for her life, number one, and number two, she has no other resources available, and I think that that is probably one of the biggest issues we face, and that is being able to keep a woman in the system long enough to allow her to clarify her thinking and get the help and resources.

Senator HATCH. Yes. Well, we also have found that rural areas need help too, but like you say the help to them is spotty.

Ms. STUART. In a different way too, Senator.

Senator HATCH. Yes.

Ms. STUART. Because not only the availability of the shelter or the rape crisis center for the victim. When the victim gets in touch with whatever that is, there has to be someone there who has had the training, who has had the experience and knows how to handle that. We've talked about empathy and compassion and being able

to deal with that situation. It's really, really hard. Some of these rural areas do not have anyone to draw from other than a victim who has gone through it herself who knows the trauma of it.

Senator HATCH. Yes.

Ms. STUART. And they need to have the resources to draw so that they can have—In Richfield County New Horizons they handle seven is it, seven different counties. Wonderful. OK. If you're in one of these counties and you finally make it to Richfield, then they've got to have the people there to help them who aren't burned out. You know, they train and work in for 2 years and then they're gone because it's so hard.

Senator HATCH. Well, and your center is in Logan, but it handles a lot of rural northern Utah.

Ms. STUART. Oh, absolutely. Yes. All of Cache County, all of Rich County in southern Idaho.

Senator HATCH. And if you're out raising money for your center, it's pretty tough to be able to help these people?

Ms. STUART. That's right. And I spend a lot of time reinforcing my staff, helping my staff get through the day by day. We also eat a lot of chocolate, but—

Mr. FRANKE. One of the issues regarding funding, Senator, is the issue of trying to work with some of the entitlements. For example, 4A emergency assisted funds. We're trying to utilize those, but by their rules you can only shelter a person with dependent children for 30 consecutive days.

Ms. STUART. Consecutive.

Mr. FRANKE. And the term is consecutive. Now, the State of Utah allows women up to 30 days sheltering, and we can extend that, if we need to, by exception, but the 30 consecutive days means that if a woman comes to the shelter on January 5, leaves again on January 10 as we know they do, there's going to be repeated coming and going, what happens is she's only eligible up through the first part of February, and after that we can no longer tap for any 4A funds to assist us with sheltering.

Why can't that be 30 days rather than take out the consecutive? We also have found in the State of Utah, and this may just be unique to us, we have to have the Social Security number because the person may also be sheltered in a homeless shelter in other areas and we have to compare the Social Security numbers to determine we're not giving too much aid through the 4A funds. You know, and a woman comes to the shelter and we say oh, by the way, did you pick up your I mean she's bleeding and we say, by the way, do you have your Social Security card and one for each of your children? Otherwise, we can't get the 4A funding to help you. Now, we still will shelter you, and we use State funds to do that, but it's a very laborious, difficult process.

Senator HATCH. It seems like an inadequate system. I was going to say stupid, but I won't.

Mr. FRANKE. I didn't say stupid.

Senator HATCH. No. But I did. Ms. Nielsen, go ahead.

Ms. NIELSEN. I would like to make you aware as well, and I realize that this is in my written testimony, but so that you know, there is a statewide advocacy program and it's only been—it's just a baby, only about 6 months old now, and what I'm doing is going

into law enforcement agencies, county attorney's offices, shelters and safe houses and Social Services and Mental Health facilities and organizing groups of volunteer advocates, and I'm developing right now a set of training standards that will include a screening process as well as adequate training in child abuse, rape crisis and domestic violence, and in my work in establishing the medical protocols I'm trying to work out these advocates to be sort of an outreach program with the shelters, so that's happening too, and I think it's providing some solution, especially in rural areas.

Senator HATCH. OK. On the issue of civil rights that you raised, I am working with Senator Biden in coming up with language that recognizes that violence motivated by gender is a civil rights violation. Civil rights issues are always very difficult for us back there, and because they can certainly explode into a bunch of various directions and sometimes if not written right can cause more problems than they solve, and I've been particularly concerned in those areas and have worked very hard to try and make sure that we have enacted effective civil rights laws.

There have been concerns raised about the scope of the civil rights remedy as you raised it here today. We need to assure that any civil rights remedy does not unduly interfere with traditional State matters such as divorce, property settlement and child custody cases. These are very difficult and overlapping areas that we don't want to intrude on the States. I might say we're working on language which insures that all crimes where a woman is the victim does not give rise to a Federal lawsuit.

Our Federal courts are already congested with litigation. We are trying to target the language more precisely. We have to be very careful how we do this. We want to do this right, but we also want to do what's right in both areas, so I'm hoping to work with you and others who are concerned in this area on the civil rights aspect of this issue, and we're hopeful that you can help us to craft the language that will really make the difference, taking into consideration the role of the Federal Government versus the role the State or visa via the role of the State, so it isn't simple. This is easy, and there's not a lack of desire on my part or anybody else's part to resolve that issue.

One thing I am hearing today, and clearly getting, is that we do need to do more funding on these projects, and this bill that we filed does do a lot more funding than you've been used to in the past, so I'm hopeful that we can do that. Now, let me ask one last question. Is there a perception on the part of women that the length of time served in domestic violence and assaults and sex offenses falls far short of other crimes of violence? Is that the perception? Is there such a discrepancy in the eyes of the people in our society?

Dr. NELSON. Well, actually then that's not perceptually the fact. Let me just share with you some details I hope won't embarrass a person that I feel close to. A circumstance arose where this person was actually incarcerated by her significant other and unspeakable things were done to her and I'd rather not talk about those. The fact is that she was not even allowed by this person to come and seek the medical care that she and her fetus needed. Finally, that has occurred and she is currently coming for her pre-

natal care only because the person is in prison. He's going to get out before her due date, and I don't know if she'll be around to deliver or if she'll even be alive.

Senator HATCH. Anybody else?

Mr. FRANKE. You know, I keep wondering why crimes against women are the only crimes where we assess the behavior of the victim. And I keep thinking it would be real interesting to have a convenience store that was robbed and the clerk was shot and laying on the floor and had a law enforcement officer come up and say well, why were you on this lonely corner anyway, and what—

Senator HATCH. You have a good way of pointing out some real verities, that is all I can say.

Mr. FRANKE. You know that what you say to him that he wanted to shoot you, you know, and why couldn't she have—and why do we ask. We have a news story that was just pointed out to me in the State of Utah where a 14-year-old's sexual history—she was molested by a school teacher in the school system and the judge is admitting her sexual history as evidence and she's going to have to admit her sexual history as evidence in the case. That's absurd, and I think the protection of women in terms of—and I guess maybe it's because men have devised the law—I don't know why we're still prone to blame victims and make victims responsible for crimes against them.

Senator HATCH. And Ms. Baca's testimony was particularly dramatic in that regard.

Mr. STACY. I can't hear you, Senator.

Senator HATCH. I say Ms. Baca's testimony was particularly dramatic in that regard and so was Ms. Hare, and frankly, all three of the survivors, Terri Orr. I felt their testimony really kind of summed it up with regard to what it's like to go through these experiences. You were going to comment, Ms. Nielsen.

Ms. NIELSEN. I had two comments. One is even how we talk about victims. You know, for example, throw a statistic out, 45 women were raped last week in Utah rather than 45 men perpetrated rape last week, and there's a big distinction I think. We talk about the problem in terms of victims, and we need to take the focus off of that. The other thing I was just going to say, it's important to recognize that men and violence is men's behavior. Efforts to explain men's behavior by examining women's characteristics is not helpful.

Senator HATCH. OK. I agree with that.

Ms. WOOD. Senator Hatch, I've fought very hard in our rural area to have women's rights equal to where they're supposed to be. Just recently we are still in the area where officers will come into a home where a woman has been very severely beaten and we'll tell her well you've got to have enough money to pay for that protective order in order for us to get it for you. We're still back in the Dark Ages in many aspects. I see women who are told by the officers, we can't arrest your husband because he might lose his job and that wouldn't be fair.

Senator HATCH. That's right.

Ms. WOOD. Then who is going to support the kids? And yet it's perfectly all right for us to remove a woman and six or seven kids and place them in a shelter, disrupt their lives, take them away

from their friends, their schooling and everything else. Let's remove the perpetrator, let's take it where it belongs.

Senator HATCH. I think also there's a big problem, because many of these women don't have access to or can afford an attorney, and so they're at a severe disadvantage in some of these cases. Mr. Franke, we'll wind up with you.

Mr. FRANKE. I would be very remiss if I didn't mention a group that isn't represented on this panel in rural Utah that's with the population, the American Indian population.

Senator HATCH. Yes.

Mr. FRANKE. And I've just returned from the Blanding area where we're reviewing some programs there as well as visited with some of the law enforcement in the Ute Tribe on the eastern part of the State as well. We have severe problems among this population that don't come under the statutes of the State of Utah where there are issues of great concern that ought to be addressed with the appropriate populations to address that, but it needs to be discussed as well.

Senator HATCH. Well, thank you. I think that this hearing has been very beneficial. Oh, I'm sorry, Ms. Daniels.

Ms. DANIELS. And it may be redundant, but I just have to say in the time that I've been here and looking at how frustrating it is when you are dealing with many systems that are designed to advocate for women, and I have to spend my time disarming their hostility, explaining the situation, and I hear women talk about their fear and their frustration on dealing with this issue. I don't find it surprising at all that they are—before they can get out of the—before they can get home, the perpetrator is back, before they can get out of the safe environment, before they can get their home reestablished, many times when they've gone to jail their perpetrator has already left—been removed, and when I see this it's real disconcerting to me in 1993 that in such an urban area and in such a State where we talk about family and we talk about family values that we have allowed these atrocities to continue and that I as a support system for these women have to explain to law enforcement, sometimes to medical personnel, to sometimes even to Social Services, because when I recently called them they said, why didn't she call for us, I'm angry, I've worked with this woman for so many years, why didn't she call me to tell me that she felt these children had been reabused, and when are we going to get to a system of dealing with the perpetrator or the person that's committed a crime rather than blaming the victim?

Senator HATCH. Well, thank you. I don't think this panel could have been any better than you have been. I'm very proud of all of you, and I want to thank all of you for what was without a doubt a very compelling and informative hearing, and I especially want to thank all the panelists that came here today to discuss this important matter, and a special acknowledgement has to be given to the women on the first panel, the witnesses who showed so much courage in coming forward to share their own testimony. Their testimony in particular, these survivors, demonstrates the reality of our problem, and that is that statistics have faces, so it was very important to hear from them. I was very moved by their testimony.

I also want to thank everyone in our Utah communities who helped to make this hearing possible, including, of course, the Women's Advisory Group and the YWCA who provided us with this forum. We have compiled a substantial record today about the needs of Utah's women and I suspect the needs of women across this country who are very similarly confronted with the same problem, and I'm confident that today's testimony will prove useful in our ongoing effort to combat the crisis plaguing so many women in their homes and neighborhoods. I know that the information and the views expressed here today will be helpful as Senator Biden and I and others continue to tackle this particular set of problems. What we've learned today will be taken back to Washington by me and by the staff members here who have done a terrific job in setting this up, from both Senator Biden's office and my own.

As the Congress resumes consideration of major legislation dealing with a wide array of issues related to violent crimes against women, the needs of our State are going to be known and they're going to be addressed. I want to say that I enjoy working with Senator Biden on this Judiciary Committee. He told me privately that this is his number one agenda item this year, and the Judiciary Committee has a myriad of very important items, not the least of which is the new Supreme Court nominee, whoever that may be, and that will shut the Judiciary Committee down for at least 3 months while we try and resolve all the conflicts and problems involved in that very important nomination, and we may have two of those this year, but I want to thank Senator Biden's staff, Victoria Nourse, for being with us here today, and I'm going to commit to them that I'm going to help Senator Biden and I know that he'll help me in every way to try and get this problem at least well on the road to resolution or at least a bit of resolution. We can't solve the whole problem through Federal legislation, but we can begin to address some of the areas that you brought to mind here today, so your time has been very valuable and very well spent as far as I'm concerned, and I will take your comments back. I'll also leave the record open so that anybody who wants to submit a statement in writing will be given that opportunity, and we will be very happy to continue to build the record as we finally come to the conclusion on what kind of legislation we're ultimately going to pass back in the U.S. Congress. Thank you to all of you, we appreciate you, and with that the hearing stands adjourned.

[Whereupon, at 1:10 p.m., the committee was adjourned.]

82-996 (88)

ISBN 0-16-045841-2

