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Joanna Chalifoux

Union College - Schenectady, NY

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An Interdisciplinary Approach to Domestic Violence in the Legal System:
The Importance of Victim Advocates

By

Joanna D. Chalifoux

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of the requirements for
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Abstract

CHALIFOUX, JOANNA An Interdisciplinary Approach to Domestic Violence in the Legal System: The Importance of Victim Advocates

ADVISOR: DEIDRE HILL BUTLER

Domestic violence is an aspect of the legal system where there typically is a lack of communication among the institutions involved. Therefore, the benefit of an interdisciplinary approach to domestic violence in the legal system is assessed by emphasizing the importance of the presence of victim advocates in the courtroom. In this dissertation, the issue will be evaluated through a feminist point of view—with the belief that domestic violence is a gendered phenomenon in which the majority of the perpetrators are male and the victims are female.

In order to research this, several judges, lawyers, and victim advocates who typically handle domestic violence cases were interviewed on their attitudes regarding the current status of domestic violence cases and the aspects they believe need improvement in the future. The participants' opinions on the role of victim advocates in the courtroom will also be included. Hopefully with this research available, victim advocates can receive the recognition they deserve and societal awareness could be achieved with the focus on an ideal legal approach that puts the victims' needs before all else.

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Chapter 1: Literature Review

1.1. What is Domestic Violence?

Terms such as “wife-beating,” “martial/partner violence,” and “domestic violence” all fall under the category of intimate partner violence, which refers to violence between current, former, or separated spouses, cohabitants, boyfriends, girlfriends, or same-sex partners (Lawson 2013:4). For the purpose of this thesis, intimate partner violence will be discussed under the terms of, but will not be limited to: “physical, emotional, psychological, and sexual violence and control against women” which can be inflicted as “a purposeful course of action buttressed by familial, institutional, social, and cultural practices” (Sokoloff 2005:1).

In the United States, approximately one in four women (24.3%) and one in seven men (13.8%) have experienced intimate partner violence at some point in their lives (Lawson 2013:2). In addition, non-white and mixed-race men and women are much more likely to engage in intimate partner violence than white men and women (Lawson 2013). This type of violence is not only committed within the context of those who live together. There is numerous evidence that suggests the most common instances of attacks and homicides occur after the woman has already left her abusive spouse or partner. Generally speaking, domestic violence can be viewed as taking place between two people who love each other, or at least claim to, and consider themselves to be in an intimate relationship or part of a family (Hattery and Smith 2012).

Today, the criminal justice system has taken a majority of the responsibility for solving the problem of intimate partner violence. Those involved are typically the police, prosecutors, the prosecutorial infrastructure, the judicial system, and the legislative response (Loue 2001). The intended goals of the legal system are noted in Loue (2001) as:

1. The safety of the persons being battered
2. The cessation of the violence
3. The accountability of the perpetrators
4. The divestiture of the perpetrators from those being battered
5. The restoration of the persons being battered
6. The enhancement of the agency in the lives of those being battered (Loue 2001:97).

Although the legal system was not nearly as involved in preventative action in the past as it is today, there are still many improvements to be made, which will be discussed throughout this dissertation.

The purpose of this thesis is to assess the benefit of an interdisciplinary approach to domestic violence in the legal system by focusing on the required role of victim advocates in the courtroom. While at times males are victims of domestic violence, in this paper attention will be solely given to female victims. Therefore, intimate partner violence will be evaluated through a feminist point of view, with the belief that domestic violence is a gendered phenomenon in which the majority of the perpetrators are male, and the victims are female (Hattery and Smith 2012). This theory acknowledges the reality that women experience a higher rate of violent and fatal instances of domestic violence than men do (Sokoloff 2005).

This research is important because domestic violence is an aspect of the legal system where there typically is a lack of communication among the institutions

involved. In turn, this has the potential to be detrimental to the victims' experience and psychological state. Hopefully with this research, societal awareness could be achieved and there could be more of a focus on institutional improvement to ensure the victims' wellbeing.

1.2. History of Domestic Violence Law

In the late 20th century, a spotlight has been on domestic violence as it has shifted from a private, family matter to a major societal issue in need of intervention from the law. A contributing factor to this rise in awareness of domestic violence came from the Women's Rights movement in the 1960s and 1970s, which highlighted the severity and prevalence of mistreatment toward women. Unfortunately, in the legal system's attempt to solve this issue, these women further deal with more obstacles and mistreatment by legal professionals in their search for help, which can be viewed as re-victimization.

Domestic Violence has been outside the realm of criminal law for the majority of its existence in society. "Wife beating," as it was referred to in the past, was used as a form of discipline and punishment for wives and was thought of as being a husband's known right (Suk 2009). Throughout world history, the first known law against wife beating was in Puritan Massachusetts from 1640-1680, which stated, "Everie married woeman shall be free from bodily correction or stripes by her husband, unless it be in his owene defence upon her assault" (Ptacek 1999:42). It was noted that this law was not taken seriously and was barely enforced because there was growing state tolerance for these practices as the colony became more culturally diverse over time (Ptacek 1999).

This perceived right was finally critiqued in the law through the rise of feminist ideologies in the mid to late 19th century. A number of states passed laws against wife beating which called for a penalty of public whipping of the abusers once they were caught. Unfortunately, although wife beating was considered to be a criminal act, it was nonetheless considered to be suitable behavior for 19th century American husbands (Ptacek 1999). After investigating police records, racial and class patterns were found, where mostly immigrant men from Pennsylvania were arrested. In South Carolina, mostly black men were arrested, which suggests the existence of police leniency in arresting nonimmigrant white men (Ptacek 1999).

By 1920, wife beating was officially illegal in every U.S. state; however, it still was not a major public concern until the 1970s, where awareness grew as a result of second-wave feminism and the Women's Movement of the 1960s-1980s. Suk (2009) explains,

Feminists advocated increased criminalization, on the theory that defining this class of behavior as a crime prosecuted by the state signals strong public disapproval. These efforts have led to statutory reforms aimed at increasing the criminal law response to [domestic violence] and emphasizing the roles of police, prosecutors, and the courts" (Suk 2009:13).

Previously, the police did not have a prominent role in interfering or ensuring the safety of the victims; therefore, they put their focus on other crimes that were perceived as being more urgent at the time.

A major addition to the management of domestic violence occurred in 1911 as a result of the creation of the first "family court" in Buffalo, New York. This was important because it shifted domestic violence from a criminal court to a family court matter, along with divorce and adoption cases. Hattery and Smith (2012)

explain, “The belief was that family courts would be better suited to handling domestic disputes. Perhaps that is true. But by moving domestic violence out of criminal court, the ability to impose sanctions and require accountability that criminal courts have was diminished” (Hattery and Smith 2012:39). Unfortunately, this led to the issue where in most states, men convicted of abusing their wives did not face as serious of consequences as they would have if they were convicted of assault in criminal court (Hattery and Smith 2012).

The traditional relationship between domestic violence victims and the courts was also discussed in Castleton, Lowell, Castleton, Bonney, and Moe (2005). They explained how originally the courts decided to focus a certain amount of attention and protection to domestic violence victims; however, this was only after feminist and family interest groups protested and spread national awareness to the major problem of spousal and partner abuse. During the 1970s, legislatures, law enforcement communities, and the courts tended to take more of a “hands-off” approach by deferring to the privacy of the family and the right of the husband’s jurisdiction over his wife. They stated, “Husbands typically had the immunity from legal sanctions when it came to spousal abuse so long as that abuse was justified as a correctional means or could be dismissed as a private dispute” (Castleton et al. 2005:30). When the police were called to a house during this time, a method that they commonly used was to calm the abuser down by making him go on a walk around the block. As a result of this lack of disciplinary action, men who were not arrested believed that they had “free rein” to abuse their wives and girlfriends

whenever they wished (Hattery and Smith 2012:39). This highlighted the need for reform because the victims were portrayed as being at fault, not the abusers.

At first, the public believed that the response of the legal system was very slow and inconsistent, mainly because the police tended to see domestic violence victims as 'unreliable and unpredictable.' They were more likely to dismiss cases rather than make arrests, especially if the abuser and the victim were in a romantic relationship (Castleton et al. 2005). It is stated that,

Arrest rates for domestic violence cases were as low as one for every one hundred domestic violence assaults. Due to the frequent withdrawal of victims from prosecutions and the difficulty of successful prosecution without them, prosecutors often make domestic violence cases low priority (Castleton et al. 2005:31).

More recently, domestic violence has become one of the more important family law matters and the courts are now given the main responsibility of ending this rising trend. Courts have realized that in order to deal with these cases properly, it is necessary to turn to more domestic violence-specific remedies and procedures, including victim assistance centers, state-funded shelters, batterer intervention programs, and prosecution teams with domestic violence specialties, such as advocates (Castleton et al. 2005). Although these additions have shown cases of improvement for some victims, there is still a large amount of work to be done in order to fully adhere to all of the needs of victims, which most prominently include safety.

Regarding the more legal aspect, Matthews (1999) explained areas in which the court system needs improvement. It was stated that,

The American Bar Association (ABA) recommends that states make legal assistance more available and affordable to victims of domestic violence and

their children by encouraging lawyers to do pro bono work in domestic violence cases, expanding legal services programs to represent parents and children affected by domestic violence, establishing specialized legal clinics, and requiring abusers to pay court costs and attorney's fees. Better education and training for judges and law enforcement personnel are also needed (Matthews 1999:51).

Unfortunately it seems to be easier said than done. More laws have been created that deal with the issues more effectively than Matthews (1999) claims. The first major law to address domestic violence was the Family Violence Prevention and Services Act in 1984. The goal was to guide the states in efforts to increase public awareness about family violence and to provide shelters and other assistance for victims of violence in the family and their children. Another major law that was created was the Federal Violence Against Women Act in 1994, which includes requirements to improve law enforcement, criminal justice, and state court system responses to domestic violence. They sought to increase prevention, intervention, and counseling programs, and most importantly, to protect immigrant women who are victims from deportation upon their request for help (Matthews 1999).

1.3. Victimization in the Legal System

Schneider (2008) evaluated some of the laws regarding domestic violence in the 21st century. She explained that no other aspect of family law has experienced more of a dramatic change than domestic violence law, especially spousal abuse. She touched upon the Family Violence Prevention Act and the Federal Violence Against Women Act from the past; however, she also focused on the future of domestic violence law. Schneider discussed the belief that a large amount still needs to be done in this area because there are still many misunderstandings regarding the

dynamics of lawyers, judges, professionals, and laypeople. This is due to the issues where women are blamed for failing to leave their partner, and the severity of the violence is disregarded. Schneider (2008) claimed,

Even judges who work hard to understand domestic violence may be frustrated by the complexity of the problems and the fact that intimate violence is not the same as stranger violence. The legal issues that are presented by intimate violence are, by definition, complex and involve difficult human relationships. Even the most thoughtfully developed legal reforms can be problematic (Schneider 2008:362).

The problem of continued inequality among men and women is potentially another hindrance to the court's understanding, which suggests that the only real way to solve the issues of domestic violence in the legal system would be a societal reformation of beliefs and views of gender roles.

Suk (2009) further explains the progress of Domestic Violence law and also its setbacks. She goes into the notion of the home as being a traditionally safe, private refuge from the public and from harm. The author describes the ways in which this belief has been threatened by the presence of domestic violence upon women. Although this immunity from the law has been revoked in every possible way legally, cultural biases and ambiguities regarding privacy continue to exist. These tend to affect the system and the safety of women. At times, there is an apparent frustration with the victims from those who prosecute these cases due to the complexity of the situations. Suk (2009) states,

The difficulty of prosecuting [domestic violence] remains pervasive because of the typical unwillingness of victims to cooperate. Falling short of the elusive goal of proving guilt beyond a reasonable doubt at trial, prosecutors increasingly give effect to the public policy against [domestic violence] by using protection orders to command defendants to stay away from their spouses and homes on pain of arrest (Suk 2009:12).

This illustrates the legal system's lack of understanding of the mindset of domestic violence victims because they do not recognize why victims eventually wish to go back to their abusers. Orders of protection are believed to be a logical way to make the home seem "free of fear," while in actuality these prove to be unsuccessful (Suk 2009).

By focusing on the victims' perspective of spousal violence, Goodmark (2012) explains the force of victims to utilize the police and legal system and how these institutions sometimes fail to handle the situation with care. The media often portrays stories of women who sought help by getting orders of protection. As a result, these women were sometimes abused more extensively and even killed by their abuser. She evaluates the legal response to domestic violence over the years in the United States and ultimately proposes a potential solution to its failures.

Goodmark (2012) contends that the reason why domestic violence exists is due to the theory of "dominance feminism" where men are the actors and women are those that are acted upon. She cites Catherine MacKinnon's 1982 article, "Feminism, Marxism, Method, and the State: An Agenda for Theory," which states,

You see that a woman is socially defined as a person who, whether or not she is or has been, can be treated in these ways by men at any time, and little, if anything, will be done about it. This is what it means when feminists say that maleness is a form of power and femaleness a form of powerlessness (MacKinnon as cited in Goodmark 2012:11).

As a result of MacKinnon's controversial article, dominance feminism strongly influenced the feminist legal realm in the 1980s and early 1990s. This ultimately shaped the overall legal response and policy to domestic violence.

Consequently, the battered women's movement resulted in many victories in

the legal system, which eventually created criminal and civil justice solutions. This also increased funding for the development of these legal institutions. Goodmark (2012) explains,

But those victories came at a price. The movement went from being woman-centered to victim-centered, from self-help to saving, from working with women to generate the options that best met their needs to preferring one option, separation, facilitated by the intervention of the legal system, from being suspicious of and cautious about state intervention to mandating such intervention (Goodmark 2012:28).

Although the battered women's movement sought to facilitate great social change and awareness regarding domestic abuse, the victims still continue to face many legislative obstacles. The solutions presented in the movement are too narrow to fit everyone's needs, because each victim needs to be treated differently. There are gross generalizations within these reforms that overlook the needs of the individual.

Some of these obstacles refer to the effect that domestic violence law has had on the implementation of victim stereotypes. Battered Women's Syndrome and the Cycle of Abuse created generalizations about female victims of domestic violence and how they are supposed to act. This is an issue because not all women react in the same way, and these generalizations take away the agency of victims. Goodmark (2012) believes that if these preconceived notions were removed from the law, it would create room within the system for an array of legal narratives that would fit all women. For those who do not conform to the stereotypical victim, the legal system has difficulties creating and defining ways to help them. This includes women who fight back against their abusers. These women do not fit the mold of typical victims because they are not considered 'passive' and as a result, judges and police find it difficult to view their actions as being justified. Some do not even

support assistance for the victims (Goodmark 2012).

Goodmark (2012) notes probable solutions to the issue of stereotyping domestic violence victims. As she claims,

A system unfettered by preexisting notions of who women subjected to abuse are and how they should behave would provide a forum within which women could tell a variety of stories of abuse without having to edit those stories instrumentally, a process that forces women to deny the truth of their experiences in order to secure help. Women subjected to abuse often do not recognize themselves in the paradigmatic victim; excising the stock narrative from the legal system might also enable these women to see that they, too, are entitled to the services and supports the system offers (Goodmark 2012:142).

Ideally, by eliminating these stereotypes, the available resources for victims will be maximized for all women; however, it is seemingly impossible to meet all the needs of those who are subject to domestic violence. Once imbedded in society, these stereotypes are extremely hard to overcome because although individuals may not be aware, many legal professionals tend to have unconscious biases that have the potential to affect legal decisions.

Judges play an important role in the legal process of domestic violence and have the biggest influence on the outcomes for the victims and their abusers. While also assessing the evolution of domestic violence laws and social movements in the United States, Ptacek (1999) further evaluates the role of judges in domestic violence cases and whether or not they use their power in a beneficial way to victims. By focusing on the lives of these victims, the author discusses these encounters by investigating restraining order hearings in Massachusetts. He mainly looks at the ways in which the judges react to these women. As in the past, judges regarded the victims either with indifference and impatience, and assessed whether

or not the judges are taking the victims' claims seriously. He also weighs the influence judges have on victims to discourage or encourage them to seek help from these institutions in the future.

Awareness about this issue rose quickly after the high profile case of Pamela Nigro Dunn received media attention in 1986 involving a judge who did not take Pamela's fears of her husband seriously. Shortly after her hearing, her husband murdered her. As a result of this, her efforts were investigated to see whether or not the courts had treated her unfairly. The judge was found to be at fault in the end due to his reluctance to view her abuse as being valid. Due to the controversy revolving around this case, many questioned the effectiveness in the court system. This included:

Were women's fears of violence being taken seriously? Were women being routinely harassed when they sought protection from the courts? What were judges doing with their authority in these hearings? What messages were the courts giving to abusive men? How dramatic were the differences between written law and the law in practice? (Ptacek 1999:5).

Eventually, this sparked the process of implementing training for courtroom advocates, women's shelters, undergraduate colleges, law schools, and law firms who worked tirelessly to ensure the use of advocates in every courtroom in the state of Massachusetts. Also, the state investigated judicial misconduct and gender biases to prevent such a tragedy from occurring again in the courts. From this investigation, it has been inferred that judges have the power to either encourage or discourage women from demanding justice under the law and this varies according to the gender and ethnicity of the judge (Ptacek 1999).

Ptacek (1999) describes judges' demeanors in court as, "the emotional

presentation of authority in courtroom encounters” (Ptacek 1999:111). The author further argues that depending on the judge’s demeanor in the courtroom, the quality of the atmosphere is affected. If the judge acts negatively towards female victims seeking help, this can affect the victim’s emotional capacity. Ptacek (1999) claims that, “...even among judges who see themselves as reformers, there are limits to empathy, support, and acknowledgement of women’s legal rights” (Ptacek 1999:135). Although the media’s presentation of these cases did help bring awareness to a number of issues in the court, it overshadowed many of the judges who were sympathetic towards women’s needs. After interviewing judges in Massachusetts, Ptacek (1999) did find that most judges were following protocol; yet, due to the media controversy, women’s attitudes toward the legal system were negatively affected.

The author also explored women’s attitudes while in court by asking them to report how they felt when they asked for a restraining order. He found that, “Most women reported feeling frightened and nervous, especially the first time they appeared in court. When asked whether they were afraid for any reason to take out a restraining order, 65 percent of them said yes. They feared violent retaliation by the batterer” (Ptacek 1999:145). Not only do victims have to face the admission of personal suffering in an intimidating public setting, such as a courtroom, but also these women are most likely still dealing with trauma from recent violent events (Ptacek 1999).

These women also expressed the feelings of secondary victimization as a result of judges’ demeanors and responses. This ‘dual trauma’ consists of the initial

victimization when the act happens, followed by a re-victimization in the public forum as a result of a demoralizing and troubling legal process. Ptacek (1999) explains dual trauma further as being,

The result of not just violence but social entrapment arising from institutional collusion and indifference: The model experience of battering is a dual trauma, fear and anger induced by violent subjugation combined with a sense of increasing entrapment...Typically, [this] sense of entrapment is a reality-based response to a history of denial, minimization, and victim blaming by those from whom they have sought support and protection, including police, doctors, social workers, and therapists (Evan Stark and Anne H. Flitcraft as cited in Ptacek 1999:151).

These feelings make the situation of getting help much more stressful for these women. Ptacek (1999) also notes 'three dimensions of fear' regarding women's interactions with judges which were described as the intimidation of being in a courtroom and its rituals of deference, fear that their claims would be invalidated and/or not accepted, and fear of retaliation from their batterers.

Judges are not the only ones at fault in the legal system according to Kastner (2015). The author describes this improper help and assistance from the legal system and third parties in a more recent light. She explains the negative effect that the response to Chronic Nuisance Laws has on the victims of domestic violence. She believes that the way in which law enforcement responds to these calls can further victimize women—especially women of color and/or women of lower socioeconomic classes. This is a great issue to some because with the existence of Chronic Nuisance laws, landlords have the right to evict tenants after a certain amount of disorderly disturbances have occurred. If evicted, these women may be placed into more dire situations due to the fact that they face homelessness and less protection from their abuser. This gross generalization minimizes the reality of

domestic violence, and, in some ways, claims that domestic violence is an illegitimate cause for legislative reform and support policies.

In order to clarify these common myths or preconceptions regarding domestic violence, expert testimonies may be given by someone who is highly educated on the subject to legal professionals and jurors (who represent the general public). Hamilton (2009) critically examines the judicial construction of domestic violence concerns further by describing the impact of expert testimonies on these cases. She does so by using feminist theories regarding issues of female victims, their abusers, and their relationships. This feminist view implies that, “gender stratification or patriarchy is universal and that it produces a system of inequality that creates opportunities and offers rewards that privilege men and disadvantage women” and in domestic violence cases, men are the principal perpetrators (Hattery and Smith 2012:7).

Expert testimonies are used during a variety of court trials as a means to educate the judge and the jurors on a topic that may otherwise be unclear to them. Hamilton (2009) explains,

In domestic abuse cases, the expert knowledge is meant to provide social context information and answers to common questions fact-finders may have, such as: If a woman stays in a relationship with a man, doesn't it mean there is no violence? If there is violence, why does she say? Why may a woman, if physically assaulted by her partner, deny or minimize the severity of the assault? The resolution of these questions often goes to the credibility of the alleged victim in the case, as battered women are likely to refuse to cooperate with the prosecution, to deny or minimize the abuse, or to have remained in an intimate relationship with their abusers (Lifschitz, 2004 as cited in Hamilton 2009:7).

She notes the significance of expert testimonies on court trials and how they may affect judicial knowledge and its social contexts in the future. Hamilton notes how

feminist advocacy has sparked a number of changes in the practices and policies of the legal system, including the implementation of advocates and expert testimonies. She also explores the different types of testimony, and the potential effects they have on the judges' beliefs, attitudes, and ultimate decisions in the case.

At first, one of the most important motives for the application of expert testimony in domestic violence cases was to defend the women who were being convicted of violent crimes against their abusers, although they acted in self-defense after years of abuse. Hamilton explains,

Advocates of this statute expressed concern that abused women were convicted of serious felonies when they were merely defending themselves from what the abused women believed to be an impending and serious physical attack from their battering males partners. Expert testimony, advocates theorized, could explain characteristics common to battered women and/or battering men and dispel common myths and stereotypes that jurors may hold concerning domestic violence (Hamilton 2009:10).

Once the statute was created, the use of expert testimonies in court did not only apply to the prosecution but the defense was able to call upon their own experts as well. As a result of this, experts were used to justify the violent actions of abusers in front of the jury and the judges. This addition made it more difficult for victims to get the justice they deserved in court and also made the process more painful.

1.4 The Role of Victim Advocates in the Courtroom

As societal awareness of victim mistreatment by the legal system grew, it became known that more improvements needed to be made. Buel (1999) discusses the implications of domestic violence specifically in the Family Court System. It is stated that since most law schools do not go into detail about educating their students on intimate partner violence or suggest effective ways to handle these

cases, lawyers and judges often do so incorrectly. Buel expresses her concerns, stating:

Domestic violence impacts most lawyers and judges; however, those in the field of family law are positioned to dramatically improve the lives of *all* parties, *if* they have learned how to intervene effectively. The continuing violence indicates that we must examine the larger issues: namely, the social, cultural and economic conditions that will facilitate the victim's freedom from abuse. In our racially polarized nation, it is more critical than ever to honestly examine the politicization of poverty and race in the context of domestic violence policies and practices. We must identify the strategies to revitalize social capital as part of the empowerment equation for battered women (Buel 1999:720).

A lack of proper representation for victims is highlighted in the fact that the abuser is typically the one who is paying the bills and can afford better attorneys. She explains that most courts do not take the victims' safety seriously enough to ensure immunity from being further attacked by their abuser. She also suggests that a victim is more likely to escape from her abuser if there is greater access to community support. This includes housing, access to proper legal counsel, child support, and emergency welfare. These institutions and systems are available to prevent and protect these victims from a case of violent interaction.

Domestic violence advocates in the courtroom were high in demand after the public became aware of the lack of sensitivity that was given to victims by judges and lawyers. Buel (1999) states that,

Our law schools must include domestic violence issues in substantive law courses and increase their clinical programs, especially those offering comprehensive legal representation for abuse victims. Many law schools fully fund criminal defense clinics that represent domestic violence offenders, but fail to offer any assistance to the victims whose very lives are at risk, and who too often achieve poor results when turning to the courts for protection (Buel 1999:725).

The sole duty of domestic violence advocates is to acclimate victims to the legal system in ways that lawyers and other legal representatives fail to provide. Thus, these advocates had the potential to solve the problem of re-victimization due to their personable and comforting approach.

According to Schuster and Propen (2011), the idea of having victim advocates in the courtroom and the right to give a Victim Impact Statement resulted from the victims' rights movement of the 1960s and 1970s. This most likely began when many lawyers were struggling with representing these individuals in ways that were sensitive to victims' needs and emotions. Stoeber (2013) addresses this issue by attempting to educate law professionals about the sensitivity of this type of experience and to teach them not to become frustrated when his or her client decides to return to their abuser.

Schuster and Propen (2011) discuss the ways in which victims can benefit from domestic violence and abuse advocates in the courtroom. Typically, once a domestic violence case is brought before the District Attorney's Office or the Police, a victim advocate is assigned to that case as well. They explain the importance of having them as resources throughout family court and other court cases because they are available for support and to guide victims throughout all of the strenuous aspects of the system. Advocates have the responsibility to:

Guide victims, whether adults or children, through the legal process and to advocate for those victims' rights and best interests...It is the advocates' persuasive strategies, ability to establish their own credibility among legal professionals, and their skills in helping victims establish a presence and a voice during all the negotiations and proceedings that make sense out of chaos for these victims (Schuster and Propen 2011:3).

In addition, advocates are supposed to offer the victims, their families, and their

friends supportive services, referrals, and reminders regarding to the dates or outcomes of their cases or trials (Schuster and Proppen 2011).

Advocates help victims formulate Victim Impact Statements (VIS) to read during sentencing hearings. VISs include: “A summary of the harm or trauma suffered by the victim as a result of the crime, a summary of the economic loss or damage suffered by the victim as a result of the crime and a victim’s reaction to the proposed sentence or disposition” (Schuster and Proppen 2011:13). The victim has the right to choose whether or not they want to present his or her statement orally themselves, or if they wish for their prosecutor to read their statement for them.

This aspect of domestic violence cases greatly improved the victim’s experiences in the courtroom. Advocates are able to help act as the voice for women who were otherwise struggling to be heard. Moreover, this has greatly impacted those who are new to the court system by explaining certain terms and possible outcomes to the victims. Sometimes the victim advocates are only present to accompany the victims, and to ensure their safety while in the company of their abuser.

1.5. Support for Interdisciplinary Cooperation

As can be inferred from the previous research, all of the systems involved in domestic violence law and reform would benefit greatly by working together and sharing their own ideas and strategies. Roberts (2002) developed a number of strategies involving domestic violence, which are intended for professional use, as a means to properly assist the sensitive needs of domestic violence victims through a variety of social institutions. Each chapter evaluates the different professionals in

the area of domestic violence by assessing an array of treatments, policies, programs, protocols and current research. These areas include but are not limited to: public policy and social action, criminal justice and the legal system, health care and mental health treatment, and crisis intervention and advocacy programs.

Roberts believes that the most effective way to help these victims is for all professionals in different fields to cooperate and be interdependent on one another.

Roberts (2002) explains, "Battered women, therefore, need social workers, psychologists, nurses, physicians, and lawyers who can help them marshal resources and who can explain the problems they will encounter as they try to free themselves from violent relationships" (Roberts 2002:viii).

Specifically, Roberts (2002) is calling upon all of these professionals to ensure the best possible help is available and effective for these victims. He contends:

The most effective way to build on the legal system improvements is to enhance the cooperation among all helping professionals. Experience thirty years ago showed that counseling or psychotherapy alone did not end the risk of harm to women who live with abusive partners. Civil and criminal justice remedies were insufficient to enable women to marshal their personal and financial resources to achieve safety and independence. All the professionals to whom battered women turned for help had to change their perceptions and responses and work together to provide resources and offer alternatives (Roberts 2002:V).

Roberts' handbook uses case studies and research findings in order to create guidelines for risk assessment, intervention, and program development in attempt to alleviate the hardships of domestic violence services altogether.

A suggestion for lawyers who wish to deal with domestic violence cases more sensitively is discussed in Buel (1999), who believes that lawyers should follow

guidelines from the American Medical Association (AMA) physician guidelines by asking the following routine questions: “Have you been hit or threatened in the relationship? Are you afraid now? Do you want information about a protective order? What can I do to help?” (Buel 1999:726). By doing so, victims may feel more comfortable with the lawyer because they are genuinely sensitive and responsive to the victims’ needs.

A study that demonstrates the effectiveness of proper education and awareness of domestic violence is shown in Colarossi and Forgey (2006). The authors discuss the affects of proper education regarding domestic violence to both social work students and law students. Fordham University’s School of Law and School of Social Work created an interdisciplinary course elective titled, “Domestic Violence: Social Work and Law,” as an effort to promote multidisciplinary collaboration. Both a law professor and a social work professor taught this course. One of the main goals was to “teach core knowledge about domestic violence, as well as interdisciplinary knowledge about each profession’s mission and role, in general, and the specific roles undertaken by social workers and lawyers in each phase of domestic violence intervention” (Colarossi and Forgey 2006:307). Students were required to apply their interdisciplinary knowledge by working together on group exercises involving hypothetical case situations.

After studying both types of students by conducting a pretest-posttest control group design, the researchers found that the course effectively increased knowledge about domestic violence theory and different roles and practice, duties, and privileges of lawyers and social workers. This also resulted in positive attitudes

about interdisciplinary work, and reduced myths about domestic violence stereotypes from a variety of perspectives.

1.6. Why is this Important?

Evidently, although the legal system has made many improvements to its once nonexistent approach to domestic violence, more remains to be done. These matters are being taken more seriously; however, it is difficult to change the beliefs of those who are stuck in the past. Some continue to be misinformed on the severity of spousal abuse because of the prevalence of women who choose to stay with their abuser. Judges and lawyers are important resources to the victims because they are responsible for ensuring their safety and their legal rights. This thesis argues that if these individuals are not properly educated on the potential ways to meet victims' needs and do not utilize the knowledge of other disciplines outside the legal system, this will be detrimental to the victims. As a result of this misunderstanding, many women may not feel comfortable or safe searching for the help they deserve.

Victim advocates are viewed as being a part of the solution by serving as a buffer to ease the stress and trauma of the process for these women. They are currently being utilized in courts throughout the United States. Some believe that their impact is slight, while the accounts mentioned above argue otherwise. Advocates fill in the gaps in areas that the others fail to cover, such as emotional support and guidance.

This thesis will assess the benefit of an interdisciplinary approach to domestic violence in the legal system by emphasizing the importance of the presence of these victim advocates in the courtroom. Several judges, lawyers, and

victim advocates who typically handle domestic violence cases were interviewed. The attitudes of these groups of individuals were evaluated on the current status of domestic violence cases and what aspects they believe need improvement in the future. This also included the participants' opinions on the role of victim advocates in the courtroom. Hopefully with this research available, victim advocates can receive the recognition they deserve and societal awareness could be reached with the focus on institutional improvement to put the victims' needs before all else.

Chapter 2: Methods

The purpose of this study is to assess the benefits of an interdisciplinary approach to domestic violence in the legal system by focusing on the required role of the victim advocate in the courtroom. According to past research on this subject, domestic violence is an aspect of the legal system where typically there is a lack of communication among the institutions involved. In order to examine this issue more closely, I interviewed a judge, two lawyers, and a domestic violence advocate from a county in the northeastern United States region on their perspectives of the status of domestic violence in the legal system.

An unstructured, open-ended interview procedure was chosen in order to allow a wide-range of responses from each participant. Also, this method allowed for the use of potential follow-up questions. For this study in particular, a survey method could not possibly capture the variability of each individual's responses. The interviews addressed questions regarding the current status of domestic violence cases, the believed areas in need of improvement, each individual's particular role in the process, and each individual's opinions on the role of victim advocates in the process. It was expected that these results would be in accordance with the findings made by past research, which observed a general lack of communication between institutions. With this research available, the importance of victim advocates can be validated and an ideal model of justice can be formulated for future application

2.1. Sampling Population

After receiving the necessary approval from the Human Subjects Review Committee at Union College, participant permission was granted to study four legal professionals in a particular county court system in the northeast: one Family Court judge, one Department of Social Services attorney, one Assistant District Attorney, and one victim advocate. These participants were found after contacting available judges, lawyers, and advocates in the county via phone or email who were involved in domestic violence cases, asking if they would be willing to participate in the present study. Each individual's participation was purely voluntary. Once permission was granted, I set up times and dates to go to the work offices of each participant to conduct the interviews. Three of these participants were male and one was female.

2.2. Distribution of Research Instrument

Once arriving at the offices of each participant during set meeting times, I handed them an informed consent form (Appendix A), which explained the purpose of my thesis study and ensuring his or her voluntary participation. It also highlighted that participants' responses would be confidential but not anonymous, and stated that they will not experience any potential harm. In addition, after obtaining all four signatures indicating permission, I recorded each interview via cell phone with the promise of deleting it after my thesis was completed. Furthermore, before proceeding with the interview, I answered any other questions that the participant may have had.

2.3. Description of the Interview

An unstructured, open-ended interview procedure was used for this study. A complete list of the interview guide can be found in Appendix B. The first seven questions were asked to all of the participants, regardless of occupation. Three additional questions were specifically targeted to the advocate, and two additional questions were for the lawyers and the judge only. At the end of each interview, six additional open-ended demographic questions were asked, which included age, sex, race/ethnicity, education, previous job experience, and job title.

As shown in the Appendix B, Questions 1-3 involved the participants' job responsibilities, the types of cases each typically works on, and the training they may or may not have received in order to handle the sensitivity of domestic violence cases. Questions 4, 6, 7 addressed the individuals' opinions on potential improvement with the process by which the courts operate when facing domestic violence cases, the implementation of victim advocates in the courtroom, and how these cases may differ in comparison to other crimes. Question 5 asked how closely the participant works with other institutions that are involved with domestic violence. The following questions were only targeted toward specific professionals:

8. When you are working with a victim, what do they express to be their biggest fear regarding the legal process, if any? (Advocates only)

9. How would you describe your typical interactions with the victims? (Lawyers, Advocates)

10. What is the extent of your knowledge on the legal process of domestic violence cases? (Advocates)

11. When you were in law school, did you take a course on domestic violence, rape, or abuse cases? (Lawyers, Judges)

The aim for these questions was to gain specific insight into unique job experiences of each individual when involved in these cases, and his/her prior training.

Lastly, at the end of the direct questions, each participant was asked if he or she had any additional questions or statements on the subject they would like to add.

2.4. Data Analysis

All four of the participants' responses were recorded, transcribed and generalized to this specific county's typical protocol and the institutional responses to domestic violence. These responses were then compared and contrasted to prior literature regarding each specific occupation, examined in the first chapter.

I interviewed the Assistant District Attorney and the Family Court Judge separately. Interestingly enough, the Department of Social Services Attorney and the Victim Advocate asked to be interviewed together in the same room. This unique situation allowed each participant to respond to the other participant freely, thus providing an opportunity to easily compare a general legal response to an advocate's response. Each interview will be further discussed in the next chapter.

Chapter 3: Results and Discussion

This section summarizes the responses of every participant and is divided according to his or her respective occupation: Judges, Lawyers, and Victim Advocates. The discussion in this chapter relates the participants' responses back to the literature presented in Chapter 1. Therefore, the findings are discussed both in comparison and in contrast to prior research in order to gauge and interpret this particular county's legal response to domestic violence. This section concludes with application of sociological theory that applies to this specific area of concern.

3.1. The Judge

The Family Court judge that was interviewed offered a perspective that was similar, yet more sensitive to those portrayed in Chapter 1. In his interview, this judge described the types of cases that he typically works on as being: family offenses (allegations of crimes between intimate partners), abuse cases, neglect (emotional or physical harm), custody matters, visitation, juvenile delinquency, adoptions, and persons in need of supervision (PINS).

When asked the second question, if he had received sensitivity training in order to deal with domestic violence cases, the judge mentioned that he had, although not directly, been trained in judge school. He claimed that in judge school, "they took great care in approaching [domestic violence cases] in that [sensitive] way, in having advocates teach classes." Prior to being a judge, he was a former Department of Social Services attorney. While in that position, he explained that,

There were a regular opportunities to be trained in sensitivities of domestic violence and just looking at it from the point of view of the victim. And also, we had an advocate who was stationed at the Department of Social Services and I would have regular contact with those in that business. Also, mainly by representing victims, I think that was probably my best training, by just being side by side with people who were victims of domestic violence.

He highlighted that although there was no formal training offered, “on the job training” occurred by just seeing first-hand the decisions that they have to make as victims.

In response to the third interview question, the judge noted his current responsibilities as a judge for domestic violence cases as,

Being fair, keeping an open mind, but also making sure to keep addresses confidential. Because I have to make sure I am not accidentally creating harm where there was previously no danger. I really have to completely hear out a case and keep an open mind because you never want to presume anything. You are hearing one side of the story first very frequently and then hearing the other side. Then, you are balancing the rights of the person who is bringing the petition [the said victim] against the rights of the respondent [the said abuser]. Because a lot of times it involves access to a child, you are again balancing making sure we are keeping one person safe and also not denying a child the right to their parent in the process, if it is a healthy relationship.

As stated, this particular judge notes the importance of keeping an open mind during each case. Ptacek (1999), cited in Chapter 1, states that one of the major issues with certain family court judges was the overwhelming lack of open-mindedness during domestic violence hearings. The author claimed that judges’ negative demeanor and responses potentially led to the perceived notion of victim blaming by judges in the courtroom. Thankfully, this judge addressed this concern suggesting that a conscious effort to avoid this behavior is made.

The fourth question inquired about the general ways in which the participant believes domestic violence cases differ in comparison to other court cases. The

judge explained that the main difference was the highly emotional aspect of domestic violence cases and family court cases in general. He noted that this is because these cases “come in hot,” meaning usually right after the defining incident. He mentioned that they are “fluid” because typically within a few weeks, the case will find some sort of balance through the order of protection or through changes of behavior among the individuals. The main difference according to the Judge is that these cases frequently come in with one party alone seeking an order of protection, which is very rare and almost non-existent in other cases (known as the ‘ex parte’ element). He said that this aspect might be difficult because a judge has to be cautious when they are only hearing half of the story. The majority of the research mentioned in Chapter 1 notes the high emotionality of these cases. Ptacek (1999) specifically mentions how the nature of these cases affects those involved in a dramatic way. Ptacek (1999) explains that the judges’ emotional presentation can either negatively or positively impact the already sensitive courtroom atmosphere.

For Question 5, when asked how closely the judge works with the other institutions involved, he responded, “not closely at all.” The judge stated, “I keep my distance from all of that. I receive training and that’s the one connection. It was more for when I was on a prosecutor’s side that I was much closer. The distance is important in my role [as a judge].” This lack of collaboration with other professionals does seem to be necessary in a judges’ effort to keep an open-mind throughout the process.

For the 6th question, the judge explained the importance of victim advocates in the courtroom. The judge was extremely in favor of victim advocates and stated that they are “very important in the courtroom.” He explained,

They help with the simple things such as, ‘Do I need an attorney?’ Petitioners are so wrapped up in emotion based on what may have just happened. But also just because they never wanted to come here—nobody wants to come here. The ability to have someone to be by their side so that they can have someone to lean on but also to say ‘Yeah, you want a lawyer. You can’t do this alone. You can’t prosecute this thing against the other person so you need help with that.’ The assistance in guiding the [victim] in how to behave after you get an order of protection, that gives me great comfort that I can’t answer those questions for them but they have someone who is really educated in the field and with experience to just be able to give them good guidance in how to do things safely and just give them reassurance. I think they do a terrific job.

The judge’s favorable response further emphasized the believed importance of victim advocates that was described in Chapter 1.

The Judge claimed that he does not have any great ideas at the moment regarding improvements in the way the court handles domestic violence cases; however, he is open to hearing them. His reasoning for this was mainly in support of the family court’s protocol in comparison to the criminal court’s protocol for these cases. He states,

We hear the cases within 24 hours of the filing, typically within a couple hours of the filing and so that is a real service and benefit to the victim. It is different than criminal court because that takes longer. It is very user friendly in that you do not need another agency filing on your behalf (the county). You file it yourself and you can be seen within an hour. Delay affects every case, our court calendar being so large, but that affects all cases, domestic violence cases included.

This aspect of family law is very different than criminal law. Unfortunately, I was unable to interview a criminal law judge; therefore I was not able to directly witness the differences between the two.

Lastly, while he was in law school, the Judge stated that he did not take any specific courses on domestic violence or abuse; however, such courses were offered. His prior educational background included a Bachelor's degree and a Juris Doctor.

3.2. The Assistant District Attorney (ADA)

In order to cover both the criminal and family law aspect of domestic violence, an Assistant District Attorney in the Special Victims Bureau and a Department of Social Services Attorney were interviewed. An Assistant District Attorney (ADA) prosecutes criminal charges of domestic violence for the county. This occurs after an arrest occurs and charges are brought against the abuser, who is then known as "the defendant." In these cases, the victim does not have to testify against the defendant if he or she does not wish to do so. In family court cases, both the victim and the abuser have their own attorneys who represent them, and usually, child custody issues are involved. A Department of Social Services Attorney (DSS) is responsible for representing the children involved and making sure the children's best interests are met. The following section summarizes the interview with an Assistant District Attorney (ADA).

The ADA that was interviewed works in the Special Victims Unit in the county District Attorney's Office. The ADAs in this bureau prosecute cases involving felony-level domestic violence cases, felony-level sex crimes, and felony-level crimes against children. In addition to these types of cases, the ADA that was interviewed also handles all crimes against animals in the county and works on traffic tickets and misdemeanors at the local town court. He explained that 90% of his cases are felony domestic violence cases and crimes against children.

The Assistant District Attorney elaborated on his decision to prosecute these types of cases stating,

[Domestic violence cases] don't bother me. I am fairly competitive and these cases are terrible to deal with because the facts are usually horrific and are committed against the weakest people. I find it easy because I get competitive and I get mad. I am able to disassociate images of the case to what I need to do to successfully prosecute a case. You get used to it eventually.

He suggested that it does take a certain type of personality to be able to detach from the emotional aspect of every case. While being able to remove one's emotions from a case does make it easier to not get overly emotionally invested in the situation, this may make it difficult to remain sensitive to the victims who were directly affected.

In order to address this instance, when asked if he had received any specific sensitivity training prior to prosecuting these cases, the ADA stated that there was no official training, only "on-the-job" training, where he learned more as his exposure to these cases increased. He added,

I went to law school and then interned at the public defender's office. I got used to dealing with defendants and different victims. There was some value to it because [the abusers] are as emotionally invested in the outcome of their case as victims can be. Defendants are the guys who do not want to go to jail for whatever crime they committed or are alleged to have committed.

In addition, he worked in the city court office five days a week and handled around 6,000 court cases a year. He mentioned that because of this, he had a large number of opportunities to sit with victims prior to dealing with these types of cases. There, he described the value of being able to sit with older, more experienced attorneys to see how they interacted with the victims, as well as the value of watching during trials. He also sat with and observed victim advocates.

In order to improve how he interacts with victims, the ADA uses the method of trial and error. He explained, "if you have an interview with a victim and you know it did not go well, you note what you did wrong and try to fix it for the next time." The ADA further claimed that in law school, he took general crime courses that were geared toward passing the Bar exam. He noted that his law school did offer victim centered advocacy courses and there is an option to intern at a domestic violence clinic. Interns at the clinic also work on domestic violence cases in the District Attorney's Office for course credit. By having no required formal sensitivity or interview training, this ADA's response is in accordance to the literatures that was presented in Chapter 1, which notes that prior sensitivity training is not mandatory. Instead of using trial and error to improve interactions with victims, Buel (1999) suggested that lawyers follow a guideline of acceptable questions with appropriate wording to use during interviews with victims.

In other bureaus of the District Attorney's Office, an ADA typically gets involved with a case at the point of an arrest; however, this ADA claimed,

In the Special Victims Bureau, the ADAs are involved at the point of investigation. Domestic violence is usually a repetitive crime where guys who commit domestic violence commit it again and again so there are times where we may have cases pending with a particular individual and there is an allegation of something new. So, once we are assigned a case, I look at it and make a determination about what it is. I give it to a victim advocate who makes initial contact with a victim, if it is something serious and needs to be indicted right away, to start the felony process. It will then go to an investigator and then I meet with witnesses and victims and evaluate the case. I make the motions, put it in the Grand Jury, do the hearings, and do the trial.

He also explained that the way the Special Victims Bureau prosecutes cases is different than the way other Bureaus in the District Attorney's Office do so because

the Special Victims Bureau uses “vertical prosecution.” Vertical prosecution is used when a prosecutor is assigned to a case the day it comes in and prosecutes that case all the way through to completion (to a trial or to a guilty plea) as opposed to other ways that involve multiple ADAs handling a case at different points of the process. This is done in order to make it easier for the attorney and the victims. The ADA states,

You are dealing with victims who are often really conflicted about the process, have a host of outside factors that they are concerned about: ‘If this person who committed the crime against them goes to jail, where are they going to live?’ ‘Who is going to provide any financial support if they are not working?’ So it makes it easier if they have one voice from the beginning...sometimes they get comfortable with you and sometimes they just hate you...but it makes it easier for the process, which is why we are vertical prosecution.”

He added that this method of prosecution is widely used in District Attorney’s Offices for these types of cases.

The ADA also gave a similar response to the Judge’s by stating that the emotionality of domestic violence cases is what makes them different than other criminal cases. Another interesting difference was the fact that in domestic violence cases and in crimes against children, there is an identifiable victim. This is opposed to other cases such as in larceny or Driving While Intoxicated (DWI), where there usually is not an identifiable victim if no one was directly hurt. The most unique characteristic of domestic violence cases, according to the ADA, is that the “willingness or unwillingness of the victims differs substantially from other cases.” In this, he clarified that a majority of the victims are conflicted as to whether or not they want to see her or his abuser in jail. The ADA further emphasized this in stating that,

The outside pressures and concerns that victims of domestic violence have differ from other crimes. In addition, the level of embarrassment for the victims, similar to sex crimes, is evident. There is also a fair amount of anger, which is not always consistent with their feelings of what they would like to happen because it involves change. You may have someone who is on board right away but then a few days later they won't take your call or won't speak to you any more. Domestic violence is typically a crime committed in private, in a home. There are often times when you are prosecuting cases with one witness, which is very difficult. There are examples of it happening on video or on a public street, but it is primarily an in-house crime where the windows are shut.

The statement regarding the anger, victimization, embarrassment, and confliction of the victims coincides with the research in Chapter 1, especially in Ptacek (1999).

The fact that domestic violence cases are private, in-house occurrences adds to the complexity of these cases.

The ADA described his interactions with the other institutions involved as being "very close." In the interview, he explained the typical protocol in this particular county. He stated that there are a couple of different team or multiunit settings in which domestic violence and abuse cases are discussed. He is a member of the county High-Risk Team that seeks to identify cases of domestic violence where there is a higher or highest risk of potential serious or repetitive violence. This particular team includes: the District Attorney's Office, the Police Department, Detectives from the Youth Aid Bureau, the Victim Advocacy group of the YWCA, the head of the District Attorney's victim advocacy group, probation, the sheriff's department (with respect to child custody cases) and members of the Sheriff's Department who work at the county jail. The Sheriff's Department is there to monitor and update on behavior of an alleged abuser who is arrested while the case is pending.

The ADA is also part of the county Multidisciplinary Team. He explained that this team is comprised of the same individuals as the High-Risk team but also Child Protective Services, and occasionally the State Department of Corrections, and parole/community supervision. He explained that a unit multidisciplinary approach is “certainly strived for in the best circumstances.” Each group meets once a month unless otherwise needed. The ADA is also a prosecutor for the integrated domestic violence court for the county, which is a mixture of family court and criminal court. If there are pending family court and domestic violence cases with the same parties involved, then these cases will be transferred from the integrated domestic violence court to the county Supreme Court. He explained that it is team approach because he has to talk to a number of different family court attorneys about divorce proceedings and child custody arrangements while trying to prosecute primarily misdemeanor domestic violence cases. This county’s creation of these High-Risk and multidisciplinary teams is in accordance to Roberts (2002)’s suggestions for interdisciplinary cooperation in Chapter 1.

The implementation of victim advocates was praised by the ADA. He explained that victim advocates are in the court every day from the District Attorney’s Office. He works in the City Court five days a week and there are advocates down there every day for the morning, where arraignments are mostly done and victims come to court on the first arraignment and they want to know what is going on. The ADA stated,

I think they are invaluable to have there, as a prosecutor, especially in court when you are trying to do calendar, you can’t step out of the courtroom to talk to somebody to explain the process. And I think having them there is very helpful because it can build a rapport immediately and it is a face-to-face

rapport, which is sometimes harder to build over the phone.

In addition to the District Attorney's advocates who are always present in court for every case, the ADA explained how the YWCA also has advocates in court every day.

These advocates are usually tracking cases involving victims to whom they are providing services. He added,

We have in county court advocates here all the time that are available if needed to sit with a family or to sit with a victim. I think it is a comfort or whatever they provide to do for a victim from my perspective. It provides help for me because they can interact when I am unable to and when I have other things that I need to be doing. I can't talk to a family while I am trying to deal with things in court. The victim advocates are an important 'tool' and I rely on them heavily to build relationships to explain the process to get people ready to deal with me. I always want them to be 'good guys' and if there are tough things that need to be said I want it to come from me. I like that if they have built a rapport and if I walk out of the room and the person says 'I don't really like him.' Hopefully they at least like the advocate and there is some rapport built between them where they at least trust the advocate and that helps me prosecute cases, which is what I want to do.

The ADA does seem to appreciate the help from the victim advocates because they allocate the responsibilities that the attorneys would not be able to handle otherwise. This same view is noted in Schuster and Proppen (2011) who are cited in Chapter 1.

In response to the idea of improvements within the system, the ADA stated that he "certainly" believes some could be made. He added,

It would be nice if when a case came in we were able to meet or speak to the victim before we arraign a case because it would help us craft an appropriate order of protection if necessary. I do not know if the court could make that practically possible. I certainly think that courts have different protocols. They are supposed to keep cases moving and protect the defendants right of a speedy trial.

He also believed that the courts could attempt to become more understanding about the difficulties and “unreliability” of victims in domestic violence cases; however, he believes that the court has “very little” to do with the victim in a case. He adds, “

The court itself, the court staff, the judge, the victim is not something that they consider. Certainly they are aware of the victim and certainly they want to protect a victim, but it does not leave a lot of room for considering the victim in a domestic violence case. Everybody involved in the process has different requirements, different roles, duties or obligations and so sometimes those things are in conflict with each other.

This acknowledgement of the court’s inability to fully attend to the victims in domestic violence cases further supports the true necessity of the role of victim advocates.

The ADA represents ‘the People’ in a particular county; therefore, they technically do not represent the victim directly. He stated that for ADAs,

There is no typical interaction with a victim—it all depends on who the victim is, what their disposition is, how they are feeling about the process, what they want to have occur. Certainly, I sit down with victims and sometimes we click right away and it goes very easily and it is smooth the whole way though, but there are other times when I sit down with victims and it is unpleasant for both of us. There are times when victims come in and absolutely lie to me about what happened because they have made the decision that the only thing worse than what happened to them is having to deal with me prosecuting that person so they’re not going to cooperate and they come in with an exterior. So there is no typical interaction so it is different.

Rather than a typical interaction with victims, the ADA described the typical process that he goes through. When a case usually comes in, the ADA has to evaluate the case and then give it to a victim advocate who will make contact with the victim.

Based on the advocates’ notes from the conversation, he weighs the seriousness of the case. He also takes into account the defendant’s criminal history. He noted, “I try to meet with as many people face-to-face as possible and there are times when that

is not going to happen.” To him, it is obvious from the first contact with a victim if she or he has no interest in the process, which makes it more difficult to prosecute the case.

He admitted that when prosecuting these cases, “You have to strike a really delicate balance between holding defendants accountable without you becoming a bully yourself.” The ADA did express frustration when a victim does not come to court. In certain situations like this, he could issue a warrant for arrest, which he is very against doing. He commented,

I am hugely reticent to get an arrest warrant. I don’t want to replace one tormentor with us by arresting victims of domestic violence to make them come testify but you also need to try to gauge how dangerous the defendant is. What the victim needs or wants and sometimes you do need to be tough with them and sort of require them to do things that they don’t want to do.

According to Ptacek (1999) in Chapter 1, this type of situation could inflict dual trauma or re-victimization of the victims during the process. The ADA acknowledged that arresting and forcing victims to come to court who may be too afraid to testify is a last case scenario and is not ideal.

3.3. The DSS Attorney and the Victim Advocate

The Department of Social Services (DSS) Attorney’s interview took place at the same time as the victim advocate’s. When the DSS attorney was contacted, he suggested that his and the advocate’s interviews should be simultaneous. By doing so, he believed that it would be interesting to be able to compare and contrast the DSS Attorney’s and the Victim Advocate’s own professional roles and opinions about the process. The DSS Attorney who was interviewed is currently the supervising 1st Deputy County Attorney. He is responsible for supervising four other attorneys in

the department who represent children in cases involving Child Protective issues. The victim advocate who was interviewed is the High-Risk Advocacy Coordinator of the YWCA in the county.

For the first question regarding each individual's role in domestic violence cases, the Victim Advocate explained that in her role as a High-Risk advocate, she was currently dealing with 42 cases that have the potential to become homicide cases. Sometimes Child Protective Services are involved if children are being affected. The other advocates at the YWCA also go out on calls with Child Protective Services with domestic violence situations involved; therefore, they usually have two caseloads going on at the same time.

The DSS Attorney explained that he supervises a team of four attorneys that handle child abuse and neglect cases. This team gets involved in many domestic violence cases because of the potential impact such violence has on children. Not every domestic violence incident that occurs in the state would warrant involvement from the Department of Social Services. He explained, "the Advocate's situation is a little different because she tries to completely eliminate domestic violence, while only some domestic violence cases give rise to child protective issues for us. Our roles are a little different but similar." He also added that because the police are mandated reporters of domestic violence, a case typically comes to his department after being assessed by the police. If the police go to a home to respond to a domestic violence incident and there is a child in the house, they have to contact Child Protective Services if the domestic violence gives rise to some sort of child protective issue (such as neglect or abuse). Child Protective Services would then get

involved to do an investigation, and in the most serious of cases, they would take the children out of the house.

The Advocate explained that she was beginning her fourteenth year of being a victim advocate at the YWCA. Regarding specific training, she claimed that the advocates start out with “Domestic Violence 101” to talk about the boundaries with victims and how to deal with cases with those who are victims of ongoing domestic violence. She stated,

Obviously sensitivity issues come up for different cases all of the time. There are cases that we look at and shake our heads and say yeah there is something else going on here and then others where we are scared out of our minds for that client. So we really have to even out our emotions in this and somehow know our boundaries with self-care training. [There is] not so much sensitivity training.

She added that for these types of professionals, self-care refers to ensuring one’s mental health is “in check” by putting themselves first in order to be able to care for others more effectively.

In law school, the DSS Attorney stated that he did not take a course on domestic violence; however, his school did have students work at a domestic violence clinic. There, the students would go and assist with victims and certain legal matters. He did take a family law course, which mentioned domestic violence but was not specific to that one subject. The Advocate also noted that the victim advocates go to a local law school and given presentations to them about domestic violence issues.

The DSS Attorney claimed that those in the legal profession do not get a great amount of sensitivity training and instead, their training is usually the knowledge of the law. He stated, “We use the law to determine whether facts which would be

mom and dad hitting each other, whether it is with belts or menacing with a gun...We have to take the facts that we get from our case workers and fit them into the law." He further highlighted that, "I know [the Advocate] would like lawyers to get a better sensitivity to the actual effect of domestic violence but we are not required to get that training." The Advocate explained that the victim advocates also train law enforcement individuals in order to help them understand domestic violence better. She stated,

I understand [the law part] of it and that they have to be guided by the law; however, we still need to have them understand the domestic violence part of it and why people do the things that they do, so we do a lot of those trainings for the police. The attorneys are not required to come to those [trainings].

The DSS Attorney responded,

Obviously you are probably aware that [with] battered women and/or battered men, sometimes they go back and recant. From a lawyer's perspective, you say, 'Well, she recanted so we should be done with the case.' But in reality, that is kind of the cycle part of it so it has to be considered differently and it is helpful for the lawyers to know that it is actually a cycle of domestic violence and not this person recanting. They are not lying to us initially. They might be being forced to recant.

As can be concluded, both the Advocate and the DSS Attorney are aware of the possible need for domestic violence awareness and training for the lawyers and judges, which was mentioned multiple times in Chapter 1.

The main responsibility that a victim advocate has during these types of cases is to listen to the victim. The Advocate explains,

As an advocate, it is difficult at times because when a client comes to us and says that this is happening, we are required to listen, believe the other, and validate what they are saying. We are not investigators per se but we have really become investigators over the years, especially in the possible homicide cases.

For those advocates who do not deal with high-risk cases, their responsibilities mainly involve going to court, filling out petitions, helping with orders of protection, and helping support and guide the victims through the criminal or civil justice system. The Advocate added, “we are there for counseling purposes, as an umbrella of support, and to sometimes be the liaison between the other entities we work with.” These responsibilities are typical to advocates nation-wide, which is very similar to what was displayed in Chapter 1

The DSS Attorney’s responsibilities differ in the way that their main focus is on the children who may be affected by domestic violence in the home. The DSS attorney explained that,

A lot of the times we get into situations where there is domestic violence between a mother and a father and we see the mother *not willing* to escape a situation and continuing to expose her child or children to the aggressor. We kind of have to encourage the person to leave that situation. A lot of times we have to talk to advocates about what needs to be done because it is sometimes the breadwinner who is the person who is the aggressor so it is hard for them to leave that situation because the victims are like, ‘Well, what am I going to do? I would rather get the crap kicked out of me and have my bills paid than have to go to social services.’ ‘How do I protect my kids?’ ‘How do I care for them?’ So our responsibility is to make sure that they are cared for and that they are provided the services that they need.

At this point in the interview, the Advocate responded to the DSS Attorney’s previous statement by pointing out the differences in the types of language legal professionals use versus the language that advocates use. She added,

Our language is much different if you listen to both of us because he says ‘*unwilling*’ and we say ‘*unable*.’ That is where we come in to be the liaison. It is not insensitivity per se. It is just the legal side versus the social work side. That is why we work well together. It is why we have to work well together because we have to show that the unwillingness may be an inability or that they are unable to leave that situation whether it is financial whether it is a threat or something else going on. The history is unknown until it happens.

So not everybody knows what was going on five years ago to ten years ago. I have to look at the history and bring it up to speed as to what is going on.

In response to the Advocate, the DSS Attorney continued,

The word '*unwilling*' actually helps us [the Department of Social Services] legally because our responsibility is to the child. The advocates' responsibility is to protect everybody from domestic violence. So when we go to court and we see a mom that can't leave the situation, it presents a risk to the kid so we have to file a petition to get relief from the court, which potentially could be a removal of the child from the home or an order of protection that says that the mom has to stay away or keep the child away from the aggressor or perpetrator. So we have to be able to convince the court to give us that order so the word '*unwilling*' makes it seem or sometimes unfairly places the blame on the person that needs to leave the situation, but that is really the only way we can get the order because they have to be culpable for the court to issue an order.

To sum up the noted disparities in the language used, the Advocate claimed that although a different approach is used by every professional involved, they all have the same intentions in the end.

In Chapter 1, Suk (1999) also highlights the issues that the attorneys have in understanding the victims' perceived "unwillingness" to leave their abusers when she explained that,

The difficulty of prosecuting [domestic violence] remains pervasive because of the typical unwillingness of victims to cooperate. Falling short of the elusive goal of proving guilt beyond a reasonable doubt at trial, prosecutors increasingly give effect to the public policy against domestic violence by using protection orders to command defendants to stay away from their spouses and homes on pain of arrest (Suk 2009:12).

This seems to suggest that the legal aspect of domestic violence does not seem to take the psychological state of the victims into consideration.

When asked how domestic violence differs from other court cases, the DSS attorney explained that in the Child Protective Services realm, domestic violence cases are hard to prove because the domestic violence has to have some form of

negative impact on the child. He claimed that it is more difficult when a child is not old enough to talk because other than information from both of the parents, the Department would never know the point of view of the child. If the child is old enough to talk, the DSS Attorney explained that parents sometimes order the children not to speak to the police or to Child Protective Services because they do not want to have his or her child removed from the home. He explained,

We end up in a situation here we know there is probably a domestic violence incident but what can we do to prevent the kid from further issues? So we have to look at the history or prior involvement with advocates. If the parents instruct the children not to speak to us, the children are kid of stuck in the middle because they don't want to talk but they also don't want to see their parents hurting each other.

He added that in order to remove children from the home of a suspected case of domestic violence, they have to get enough circumstantial proof in order to be able to charge the parents criminally. At the very least, the Department of Social Services will try to get an order of protection in order to attempt to get the parents to refrain from the "violent, assaultive, harassing behavior." If the parents do not comply with the order of protection, then they will get arrested.

Similar to the other individuals who were interviewed, the Advocate and the DSS Attorney also commented on the heightened emotions that are involved with these cases. They both compared and contrasted this type of emotionality to other criminal cases:

The Advocate: In non-domestic violence cases, there is trauma and there could be grief, but it kind of evens out most of the time unless there is a death. With a domestic violence case, it is long-term emotions. It starts out with love. Sometimes it ends with love. That emotion in itself is hard to remove from a relationship. You did not start a relationship with somebody because you did not care for him or her. If they reach over the table and punch you in the face on the first date, you probably would not love that

person or stay with them. So it is long-term emotion with domestic violence cases. That is the hardest part for an attorney and law enforcement to deal with because they have to remove that part of that emotion and you cannot do it.

DSS Attorney: The emotion changes throughout the course of either a criminal case or family court case. So one day the victim might come in and be horribly terrified of the person and then the next time they want to get back together with him or her.

The Advocate: Because that love never stops. They want the violence to stop. They do not want the relationship to stop. They could be angry but they might not want the relationship to end.

DSS Attorney: A lot of times, the family in Child Protective Situations, the family wants to get back together ultimately, but it is a two-person event that has to occur. It is not just the mother's willingness or ability to continue to protect the kid if something were to happen. It is the aggressor's job to fix their situation with possible mental health treatment.

This exchange between the Advocate and the DSS Attorney highlights the differing perspectives each individual has regarding domestic violence cases.

Both the DSS Attorney and the Advocate agree that the institutions in this particular county work very closely together when domestic violence cases are being handled. They highlighted both of their involvement in the Multi-Disciplinary Team, which was discussed in the ADA's interview. The DSS Attorney claimed, "Everybody works well together. We do not always agree on how to handle situations but that is bound to happen when you have so many people that are working together." The Advocate also is on the High-Risk team that was discussed in the ADA's interview. In addition to working on the Multidisciplinary Team and the High-Risk Team, the YWCA advocates are also in the family court, the Department of Social Services, and the Police Department. The advocates also go out on calls with Child Protective Services. She added, "As far as law enforcement, we go to every one

of the courts in the county but we also work with legal services. So we are embedded in everything that goes on in the county, one way or another.”

The DSS Attorney and the Advocate explained that a number of homicides occurred that most likely led to the creation of the High-Risk Team. The Advocate explained that as a result of these incidents, “We really wanted to take a look at that. We learn from it. We have a fatality review board, but that came before, and we weren’t really looking at the cases before the fatality actually happened. We have not had a homicide since we started the High-Risk Team.” However, the unpredictability of an individual’s behavior is what makes it hard for the county to fully prevent these situations from occurring.

The DSS Attorney fully supports the implementation of victim advocates by stating, “I think it is great that the victims have someone to talk with to voice their opinions about how cases are being handled. I think it is great that they have someone to be a liaison between the District Attorney’s Office, the police officers, that type of thing.” The Advocate added,

Our main focus is on the victim during the case. When the attorneys and law enforcement are doing what they need to do, each piece has their own stuff that they need to deal with for that case. As an advocate, we are there for them. We are able to get them information and referrals to make sure that they get the help they need through whether it be social services, or just counseling, or just looking for a babysitter, a shelter, those types of things. We know more about our clients sometimes than their family members do. That is because they feel that they are with a safe person who they are able to give information to. And we are confidential. So everything that they say to us is information that may not even have anything to do with the criminal justice system. It could just be ‘I’m tired.’ We are not social workers in that counseling part of it, we have separate counselors for that, but we are able to give them information on the law and we can tell them what the next steps are or what may happen. We are here for you and are going to sit with you and guide you through it. It is nice having someone on the victims’ side. Not

feeling like they are attacked because they are being asked to do a lot of things.

The DSS Attorney highlighted how important an advocate is for a victim when she or he has to testify against the abuser, which requires emotional strength. He explained, “The District Attorney’s Office does a good job of putting victims at ease but they do not represent them. They represent the interests of ‘The People’ so they are trying to make sure that the person does not commit the crime again. Not necessarily what the victim wants.” Lastly, the Advocate emphasized the impact that advocates have on the victims. She claimed, “Once that case is over and it is out of court, the DA’s office is gone, their attorneys are gone, the advocates stay for the lifetime of whenever they want us to no longer be in their lives and they are able to come back five or twenty years later if they need. We are there long-term.”

Both of the individuals in the interview said that ideally, they would love to see improvements in the way the legal system handles domestic violence. The DSS Attorney believed that from the legal side, these changes would be very difficult to make. He explained,

I think one of the biggest challenges that the legal system has is that when they have a victim who is overcome and this crime was committed against them and they still want to go back but they don’t want anything to happen to the aggressor. In the criminal justice system, if the victim is the only witness and they don’t want to come and cooperate, then the law does not allow the DA’s Office to continue to prosecute the case. And then the victim goes back to the aggressor and it is almost like nothing happened. So I don’t know how to fix that because everybody is entitled to a trial. If the key witness against them is not willing to testify there is no trial and the person can’t be convicted even though the crime did happen. So I don’t know how you fix that. It is very hard.

In response to the DSS Attorney's answer, the Advocate did believe that it is hard to make changes to the legal process; however, she instead wished for a change of perspective to occur for those in the legal profession. She stated,

I guess the one thing that I would love for everybody to understand [is that] not every single domestic violence story is the same. My life story is not the same as yours or his. And we can't fill in the blank. Everyone that comes to court or comes to the criminal or civil justice system is an individual, and it is the victims' life that we are dealing with. People don't empathize or have any sort of feelings at all for how the victims' emotional status is in this case, and how that is where we are going to be the downfall of this system. Judges get frustrated and they need to understand better. The frustration level I think would go down if people would look at that story differently than this story. And that goes for law enforcement and attorneys. These cases become frustrating because it sounds like the same one over and over. They ask, 'Why do people do this?' and I can hear frustration come through. If everybody understood that this is everybody's personal story then they can look at it differently because they are not all the same.

The point that the Advocate makes sums up the suggestions that were made in Chapter 1 regarding a change in awareness that puts the victims' best interest before all else.

The Advocate noted that in her experience, victims tend to express their biggest fears throughout the process as: fear that their children would be taken away from them, fear of having to testify against her or his abuser, and their biggest fear, that they are going to be killed. She explained that victims are worried that they are not going to be able to get out of the situation alive and even if they do, they would be living in constant fear for their own safety.

The DSS Attorney noted the legal difference between emotional abuse and physical abuse. He explained,

Some of the most serious incidents start with the smallest forms of domestic violence. We have cases where the guys are just emotionally abusing somebody and then it turns into physical abuse. It is hard for the Department

of Social Services to do something about the emotional abuse because we have to wait until there is a physical altercation. The court does not allow us to intervene into someone's home [if the people] are just arguing verbally.

The Advocate explained that intense fear from emotional and mental abuse very much exists in cases without the presence of physical violence and that those in the legal profession do not seem to understand that concept. The DSS Attorney argued, "it is hard to convey that fear from a prosecutorial seat to a judge and have them understand the actual fear that this woman had or what any person has when it is emotional abuse." If there were no tangible evidence of the emotional abuse, the only way for a court to prove that it occurred would be if it happened in the courtroom, which usually does not happen.

Department of Social Services attorneys do not interact with victims of domestic violence directly. In a family court proceeding, the perpetrator and the victim both have their own attorneys representing them. When children are involved, the DSS attorneys represent the best interests of the children. Therefore, the only interactions that the attorneys have with the victims or the perpetrator are typically through the victim's attorneys. The DSS Attorney added, "We wouldn't necessarily be able to go and talk with the victims directly without a lawyer present."

As can be expected, victim advocates interact with the victims the most out of any other institution involved. The Advocate noted that victim advocates have their own way of working with a client. She explained,

I am very straightforward. I tell it as it is. I say, 'Here are the facts and this is what we are going to go by' and there are other advocates that ease into things more and are 'back rubbers' and that is okay. We all work in a

different way and it all depends on the client and whether or not they want to work with my type of personality or someone else's.

The Advocate also explained that over the years, she has learned how to deal with certain situations and certain types of personalities, which makes her successful at her job.

3.4. Feminist Theory

As highlighted in Chapter 1, societal awareness of domestic violence grew during the Women's Rights Movement in the 1960s-1970s. During this time, the fact that women had a blatantly lesser role in society than men did was brought to light. Gender roles were stricter, which caused women to assume a more passive role in all aspects of life, especially in romantic relationships. As more women began to speak out against these issues, domestic violence became a topic of discussion. Through this movement, victim advocates were created in order to assist and give a collective voice to those in need. Institutions, such as the YWCA Domestic Violence program, were created in order to become safe havens for women who were in these violent relationships and needed support.

Domestic violence is mainly a gendered societal issue. Although the four professionals in his or her interviews noted the existence of male victims, the language that was used more often than not, referred to female victims. When describing perpetrators, the participants often used male pronouns and described victims using female pronouns. Therefore, the participants acknowledged the fact that women are the majority of victims who are affected by domestic violence.

Chapter 4: Conclusions

While a majority of the literature that focuses on domestic violence and abuse stresses the lack of communication among necessary organizations involved, the legal system in the county that was analyzed did not support this belief. It was obvious that each institution, whether it was the police department, the courts, or the victim advocacy center, worked closely with one another. All individuals seemed to have a mutual respect for one another—especially when discussing the role of victim advocates throughout the process.

The judge and both attorneys believed that the presence of victim advocates is extremely important, not only for victims but also in order to ensure that the case runs as smoothly as possible in court. By having the victim advocates available, the attorneys both claimed that they are able to focus more on the legal aspect of the case, without having to worry if the victim needs emotional assistance or support. In her interview, the Advocate expressed her concern with legal professionals' lack of understanding and apparent frustration that occurs when a victim chooses to stay with her abuser. The lawyers and judges did acknowledge the fact that they did not receive any sensitivity training regarding domestic violence and both the ADA and DSS Attorney admitted that a more comprehensive and supportive approach could be adopted in order to address the complexity of the issue.

It was interesting to learn about the existence of collaborative interdisciplinary teams that meet in order to share knowledge about how to approach domestic violence in this county. The fact that victim advocates are stationed not only in the county courthouses, but also in the police station and in the

Department of Social Services, displays the accessibility and importance of the advocates in all areas of the legal system. These high-risk teams in the county seem to have been successful because, according to the Advocate, a domestic violence related homicide has not occurred in this county since these teams have been formed.

As I was speaking to the Advocate and the DSS Attorney, I mentioned how impressed I was with the protocol that this particular county used and the collaborative nature among the institutions. The DSS Attorney mentioned that a potential reason why other counties in the United States may not have a similar approach could be because domestic violence rates are not as high in those areas. He explained that the victim advocates in the county created the current established protocol by stating,

For other counties, domestic violence may not be as big of an issue. But there's portions of the population in this city where we just end up seeing [domestic violence] a lot, and then we are almost forced to have to create the high risk teams, and almost create a relationship where we have to get along and have to work to try to fix the situation. If we did not do any of that, it would be a horrible situation.

This way of reasoning may be one of the explanations for why the available literature on domestic violence critiques the legal systems' overall approach. If domestic violence were not as big of an issue in certain areas of the country, legal professions would not have much exposure to it, and would therefore not have the reasons to address it more comprehensively. In addition, because of the implementation of such teams in this county, victims may be more likely to bring forth their complaints because the community has the effective means to deal with them and take them seriously.

The Advocate claimed that this county's seemingly successful domestic violence approach has been highly regarded by other states. Several weeks prior to our interview, the Advocate spoke at a conference in front of 38 states about the mentioned High-Risk team. She explained,

People came up to us afterwards and were saying how well this county is maintained, with having these relationships with each other for as long as we have. Six people from six different states came to talk to us about our teams and how we work well together. So we really are getting the pat on the back and saying that this county has really come together. We are proud of that and our relationships so hopefully other states can get on board with that.

It should also be noted that effectiveness is very difficult to assess if the only measure is by homicide numbers. The DSS Attorney added,

I think we are helping a lot of people but just because they remain living does not mean it is a success. We want to make sure they are able to operate on their own and not have to rely on people. We like to think we are being successful, and I think we are, we just don't know how successful.

Although the attorneys, the judges, and the advocates may have differing opinions on how to approach a situation, they all know that they have to work together in order to get the best outcome. An important point to be made, nonetheless, is that even in one of the most progressive of county legal systems regarding domestic violence, there are discernable flaws as previously stated.

Each interview gained insight on all of the different working parts that create this county's legal system. It is obvious that each individual's interests are different depending on his or her job title. For example, the Assistant District Attorneys work for 'the People' of the county and have to get the best deal possible based on the tangible proof of what occurred. Meanwhile, the victim advocates work for the victims and want to see the perpetrator receive the maximum sentence, which may

not be possible if only relying on the proof. The Department of Social Services attorneys are not necessarily there to support the victims because their job is to represent and be a voice for the children who are involved.

It is understandable that the judges would not interact with victims or take part in some of the interdisciplinary teams because of their particular role in the system. The judges' main responsibility, especially in the family court, is to keep an open mind, which should ultimately create an unbiased atmosphere for the victims. With this in mind, judges should be aware of how to conduct a hearing without suggesting blame or frustration toward the victims. The various roles these professionals play are important in order for justice to be served; however, victim advocates play probably the most important role of all. Without these advocates, the victims would be asked to go through the process without anyone technically on their side. The advocates remind the victim that they are not alone.

Future Research

This current study included an in-depth analysis of only four individuals' experiences with domestic violence cases. This small sample size is a limitation to this study because by using a small number of participants, it makes it harder for the findings to be generalized to the entire county. In addition, while I was primarily focused on the response to domestic violence in the courtroom, I believe that future research should include the experiences of police officers as well. Every individual that was interviewed mentioned the integral role of the police department throughout the process because they are the ones who make initial contact with the victims. With the inclusion of the police and a greater sample size, a better overall

assessment could have been given to this particular county's domestic violence protocol.

Future research could also attempt to gain insight from the experiences of victims without causing them too much psychological harm. By doing so, the victims could express their own personal opinions of the process and their interactions with legal professionals. Victims could make critiques and recommendations for improvements in the system from their point of view. It is possible that a county's protocol for certain cases may look good "on paper;" however, it would be hard to fully assess the effectiveness without including victims' experiences.

With updated research available, we can have a better understanding of the current status of domestic violence law. This study only assessed the status of domestic violence protocol in one county in the northeastern United States. A comparative study could be done with another county in a different region with lower domestic violence rates in order to look for areas of improvement. Different states can work together in order to create a more successful and collaborative approach to this large societal issue.

In addition, the importance of victim advocates should be researched in order to increase societal awareness and for them to gain the recognition that they deserve. I also believe that victim advocates should be utilized more often throughout the process. In my opinion, based on this study, it should be mandatory for judges and attorneys to be trained by advocates in how to interact with or how to present themselves to victims. This could foster the realization that not all domestic violence cases are the same. Therefore, a better understanding of the

victims' perspectives could reduce frustration towards victims who choose to return to their abusers. Hopefully with this research available, all counties in the United States can strive toward the formation of a collaborative, interdisciplinary approach for domestic violence issues, similar to the one that is researched in this study. Victim advocates have the potential to be leaders in establishing new protocol in all communities.

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Appendix A-Informed Consent

INFORMED CONSENT FORM

My name is Joanna Chalifoux and I am a student at Union College in Schenectady, NY. I am inviting you to participate in a research study. Involvement in the study is voluntary, so you may choose to participate or not. A description of the study is written below.

I am interested in learning about the legal system's response to domestic violence cases. You will be asked several questions about your expertise on this subject. This will take approximately 10-15 minutes. There are no foreseeable risks to taking part in this study. If you no longer wish to continue, you have the right to withdraw from the study, without penalty, at any time.

Your responses will be held confidential but not anonymous. This means that your name and responses will be linked in data file(s) retained by the researcher, but with few exceptions, the researcher promises not to divulge this information.

By signing below, you indicate that you understand the information above, and that you wish to participate in this research study.

Participant Signature

Printed Name

Date

You may consent to having your interview recorded via cellphone or you may decline. Please sign your initials by the appropriate statement below to indicate these wishes.

I consent to being recorded via cellphone

I do not consent to being recorded via cellphone

Appendix B-Interview Questions

1. What types of cases do you typically work on?
2. What training (if any) did you receive in order to deal with the sensitivity of domestic violence and/or abuse cases?
3. What are your responsibilities when you are involved with these cases?
4. How do you think Domestic Violence cases differ in comparison to other court cases, in general?
5. How closely do you work with the other institutions involved? (i.e., lawyers/judges, shelters, the police, social workers, victim advocates, etc).
6. What are your thoughts on the implementation of victim advocates in the courtroom?
7. In your own opinion, do you feel that there could be any improvements made in the way the courts handle domestic violence cases?
8. When you are working with a victim, what do they express to be their biggest fear regarding the legal process, if any? (Advocates only)
9. How would you describe your typical interactions with your clients? (Lawyers, Advocates)
10. What is the extent of your knowledge on the legal process of domestic violence cases? (Advocates)
11. When you were in law school, did you take a course on domestic violence, rape, or abuse cases? (Lawyers, Judges)
12. Is there anything else you would like to add?

I will also include the following open-ended demographic questions:

1. Age:
2. Sex:
3. Race/Ethnicity:
4. Education:
5. Previous job experience:
6. Job title: