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## DOMESTIC VIOLENCE

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There is no excuse for violence. "Domestic Violence" is a horrible stain on our society, which in recent decades, has become more open about. However, even after years of education, services and prosecutions, many people are abused, injured and sometimes killed at the hands of someone they know, and someone who claims to love them. In Iowa such a crime is called Domestic Abuse Assault (DAA), and it is an assault that occurs between spouses, separated or divorced spouses, parents of the same minor child or adults who currently are household members or have been within the last year. *No one deserves to be abused.* This office and many others will do all that can be done to make you safer and hold your abuser accountable.

DAA includes a lot of things that most victims don't think is abuse. Whether you have something thrown at or on you, are shown a weapon, hear a threat of harm, are pushed, shoved, "moved over," tripped, flicked, slapped, hit, punched, strangled, smothered or beaten, it is abuse and it is a crime. You are entitled to protection.

Many times after an arrest is made or a charge of DAA is filed a victim will be waiting outside my office door the morning after they were attacked, begging and crying to have the charges dismissed. It is hard to imagine, looking into the eyes of a terrified man or woman with a bruised face, split lip and fingertip-shaped bruises, why I am hearing such a request. Most leave my office angry because I will not agree to dismiss the charge, some before I have a chance to explain the following information.

Domestic violence is a crime. The officer who came to your aid took an oath to protect and serve the public - that includes you. His or her job includes investigating crimes. I also took an oath, to faithfully uphold the laws of the State of Iowa. My job includes prosecuting people who commit crimes, who are by definition criminals, and by virtue of this latest event, includes your abuser. Typically in a DAA case, the officer and I have already reviewed your and witness statements, the abuser's criminal history, the dispatcher's logs of previous contacts with the abuser, photographs of your injuries or property damage, 911 tapes, medical records, video and audio recordings of the abuser, and any other additional information you or others provide. In almost every case, we see a pattern. A pattern that tells us you are not able to save yourself on your own. A pattern that tells us that whatever we've done in the past has not helped you. Our job requires us to act even when you may not want us to. You are worth saving.

Many victims have similar questions. Below I will try to address them.

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## FREQUENTLY ASKED QUESTIONS

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**Why was a No Contact Order issued?** Iowa has a mandatory arrest law in cases of domestic violence. Usually within 24 hours of arrest, the defendant will have an initial appearance in front of a magistrate. At this time, a No Contact Order will be issued if the Magistrate determines that you are at risk. If you have been abused less than a day ago, anyone objectively looking at the situation will conclude that you are at risk. A No Contact Order states that the defendant shall have no contact of any nature, whether in person, by telephone, in writing, or otherwise with you as the protected party. It also states that the defendant shall not be on or adjacent to your residence, school, or place of employment. This order will likely be in place throughout the criminal process. **You are required to abide by this order as well, or you could be arrested, too.** Many times the defendant will tell you that there isn't a No Contact Order or that it has been "dropped" or terminated. You should NOT believe the defendant. You can call the dispatcher at 641-923-2621 at any time and verify whether the order is still in effect. If the defendant does not obey this order, call 911 immediately. It is important that you keep a copy of your No Contact Order with you at all times. The criminal No Contact Order only applies to you. If you have children or other family that you are concerned about, you may want to consider applying for a civil 236 Protection Order. The forms are available from any Clerk of Court office. Hancock County's Clerk is only open Tuesday through Friday 9 a.m. to noon and 1 p.m. to 3:30 p.m. Currently there are also furlough days, so call ahead 641-923-2532 before you come to make sure they are open. Crisis Intervention Service can also assist you with this process.

**Do I have to testify?** If you receive a subpoena ordering you to appear, you must attend or you are subject to arrest. There may be some pre-trial events that you will need to participate in, such as Violation of No Contact

Order hearings and depositions. However, most cases are resolved without going to trial. You will be notified by my office regarding your appearance for any court matter, and it would be helpful if we could meet before your testimony so I can prepare you for the experience and answer any questions you might have. All I will ever ask you to do is tell the truth. Your abuser has no right to be angry with you if you tell the truth, but if he or she is, that is a pretty good indication to you that they have not changed and do not care about you – no matter what they have said to the contrary. If you fear that telling the truth will result in more abuse, we can work with different agencies to take steps to prevent that.

*Can I drop the charges?* Until you are elected as the Hancock County Attorney, you do not have the authority to decide what charges are or aren't prosecuted by this office. I have reviewed your case thoroughly and believe that you were abused. I cannot in good conscience dismiss the charge. If your abuser really does love you or really wants to change, or whatever he has told you that got you to the point to ask this question, the first step is to accept responsibility for his or her actions – not blame you for them. Part of the purpose of the prosecution is to demonstrate to your abuser that it requires that he or she live within the laws of our society and that violence against you is not going to be tolerated. It is also important that the defendant gets help for his violent behavior and the *only* way for me to ensure that is through a criminal conviction. I have no preference for whether your relationship ends or continues, but I do prefer that either way, your abuser does not hurt you – or anyone else.

*I believe him when he says he won't do this again, why don't you?* Because all of my experience and common sense indicates otherwise. Unless abusers receive professional help designed to address anger management and violence issues, it is unlikely the abuse will stop. Often batterers have grown up in an environment of violence. More importantly, they have come to accept violence as an acceptable act. It takes a very long time and a very dedicated, motivated abuser to stop the cycle of violence in your relationship, and for the batterer to understand his behavior. This is why persons convicted of domestic violence must complete a 24-week Batterer's Education Program (BEP). BEP seeks to teach abusers how to recognize and stop controlling and abusive behaviors in their family and intimate relationships. Of course, abusers who attend, or even complete, BEP can still be violent. Use your own instincts and judgment. Plan for your safety; decide in advance what you will do when your abuser becomes violent. Crisis Intervention Service can help you develop a safety plan. In case of emergency, call 911.

*He's willing to go to couples counseling, why isn't that good enough for you?* Violence is not a relationship issue. Violence is a learned pattern of behavior and requires a very directed course of counseling to correct. You aren't being abused because of a lack of communication or something lacking in your relationship. You are being abused because you are in a relationship with an abuser who is untreated. Other counseling measures such as couples counseling, speaking with your pastor or individual counseling certainly can be explored, but they will likely be much more effective after your abuser has completed BEP. Individual counseling for you can also be a good option at this point to help you deal with the many changes in your life, to develop a safety plan and identify your own issues that let you make excuses for your abuser.

*He's my only source of income, what I am supposed to do without him?* Start by contacting Crisis Intervention Service. CIS has several advocates available to assist you and is a free and confidential service. Anything you may share with them will not be passed along to law enforcement or the prosecuting attorney. An advocate can help you obtain a civil 236 Protection Order, discuss a safety plan, find a safe place for you to stay, provide counseling to you and/or your children, refer you to community resources, accompany you to court proceedings, provide support, and much more. CIS also provides different group counseling sessions where you can safely discuss issues with other women in similar situations. CIS phone lines are staffed 24-hours a day. You can reach them at 641-424-9133 or 1-800-479-9071.

*He says you want him to go to jail for a year, why are you doing this?* It is very unusual for a DAA sentence to include a lengthy jail sentence. I make a sentencing recommendation to the judge, but the judge decides what the sentence will actually be. The law provides for a minimum two-day jail sentence, but if he is granted

a deferred judgment, he will not spend any more time in jail. Most offenders receive a sentence of two days and probation. If it is appropriate, the defendant will be required to obtain a substance abuse evaluation, and all sentences (even a deferred judgment) will require completion of BEP. The No Contact Order may also be extended for one year. Keep in mind that if the defendant does not comply with court orders, the judge has the power to order additional jail time. Whatever the consequences, this is the very least that should happen to someone who uses violence against another person.

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## WAYS TO KEEP YOURSELF SAFE

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Even if you leave your abuser, you should be prepared for the possibility of further violence. Domestic violence thrives on the abusers need for control, so if it is suspected or known that you are no longer firmly under the control of the abuser, there may be more violence.

**During An Explosive Incident.** At such times, your abuser is already angry and you are in the midst of a dangerous situation. Surviving should be your sole focus. Having planned ahead will keep you calm and focused on your safety.

- Practice getting safely out of your home. Figure out a way you could get out of every door, window, or room in your house and work.
- Have a packed bag ready and keep it at a relative's or friend's home in order to leave quickly.
- Identify one or more neighbors you can tell about the violence and ask that they call the police if they hear a disturbance coming from your home.
- Devise a code to use with your children, family, friends and neighbors when you need the police.
- Decide and plan for where you will go if you have to leave home.
- Try to move into a room or area where you have access to an exit. Try to stay away from bathrooms and 2<sup>nd</sup> floor rooms where your ability to flee will be limited.
- Avoid bathrooms, bedrooms, the kitchen, or places where weapons are kept.
- Use your instincts and judgment. If the situation is very dangerous, consider if giving the abuser what he wants will calm him down long enough to escape. You have the right to protect yourself until you are out of danger.

### **When Preparing to Leave**

- Open a savings account and/or a credit card in your own name to start to establish or increase your independence. Think of other ways in which you can increase your economic independence.
- Leave money, an extra set of keys, copies of important documents, extra medicines and clothes with someone you trust so that you can leave quickly.
- Determine who would be able to let you stay with them or lend you some money.
- Memorize the shelter or hotline phone number and keep change or a calling card on you at all times for emergency phone calls.
- Review your safety plan as often as possible in order to plan the safest way to leave your batterer.
- Remember: leaving your batterer is the most dangerous time. You must be very vigilant about your safety.

### **In Your Home**

- Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows. Consider additional outside lighting.
- Discuss a safety plan with your children for when you are not with them.
- Inform neighbors and/or landlord that your partner no longer lives with you and that they should call the police if they see him near your home.

### **When a No Contact Order/Protective Order is in place**

- Keep your protective order with you at all times. Give a copy to a trusted neighbor or family member.
- Inform your children's school, daycare, etc., about who has permission to pick up your children. Provide them with copies of the protection order, especially if the children are included in the order.
- Call the police if your partner breaks the protective order in any way.
- Think of alternative ways to keep safe if the police cannot respond right away.

- Inform family, friends, neighbors and your physician or health care provider that you have a protective order in effect.

#### *At work or in public*

- Decide who at work you will inform of your situation. This should include office or building security. Provide a picture of your batterer if possible.
- Arrange to have an answering machine, caller ID, co-worker, trusted friend or relative screen your telephone calls, if possible.
- Devise a safety plan for when you leave work. Have someone escort you to your vehicle, bus, or train and wait with you until you are safely enroute. Use a variety of routes to go home, if possible. Think about what you would do if something happened while going home.

#### *Your Safety and Emotional Health*

- If you have to communicate with your partner, determine the safest way to do so.
- Have positive thoughts about yourself and be assertive with others about your needs. Read books, articles and poems to help you feel stronger.
- Decide who you can call to talk freely and openly to give you the support you need.
- Plan to attend a women's or victim's support group to gain support from others and learn more about yourself and the relationship.
- If you are thinking of returning to a potentially abusive situation, discuss an alternative plan with someone you trust.