

DOMESTIC VIOLENCE

What is domestic violence?

"Domestic violence" is defined in Penal Code Section 13700 as abuse committed against an individual who is a spouse, former spouse, cohabitant (live together), former cohabitant, or person with whom the suspect has had a child, or is having or has had a dating or engagement relationship. Domestic violence can be pushing and shoving as well as more serious forms of abuse, e.g., kicking, punching, or breaking bones. It is also illegal to threaten another person if they take it seriously and are frightened by it. Domestic violence occurs regardless of the age of the person or their socio-economic status. It can happen to persons of all ethnic or religious backgrounds.

Who commits acts of domestic violence?

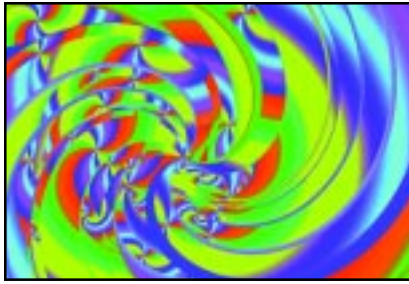
In Santa Clara County, 95% of all individuals charged with domestic violence crimes are male. This is true across the country. Batterers also come from every socio-economic, religious and ethnic background. You cannot tell a batterer just by looking at him, but you can tell by how they behave in a romantic relationship with you. Are they controlling and dominating? Are they extremely jealous? Do they yell and scream at the smallest thing? These are some signs that the individual could become abusive.

Why do people commit acts of domestic violence?

- Many therapists suggest that battering is about power and control over another. Also, many therapists suggest that many batterers were raised in homes where someone committed acts of domestic violence. Children learn their behavior from the environment they live in.
- Alcohol and drugs are frequently seen in domestic violence cases, however they do not make individuals violent. Alcohol and substance abuse is a separate problem. If the batterer's violence is not addressed, he will continue to be violent even when sober.
- If you are being battered, it is not your fault. The batterer is the one at fault, not you. Everyone deserves to live a life free of violence. Physical abuse and threatening is not a show of love, it is abuse.
- Many couples who experience domestic violence are living within a **cycle of violence**. This cycle has three phases. In phase one (**tension building**), the arguing starts and begins to escalate. In phase two (**acute battering**), someone is hit and in phase three (**loving reconciliation**), the batterer apologizes and promises never to hurt you again. This cycle will not stop on its own, you must reach out for help or one of you will die.



Does domestic violence hurt children who see it happening?

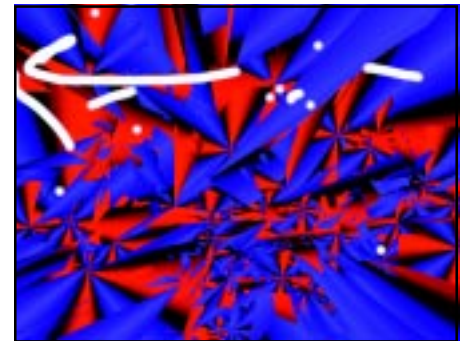


Yes. Batterers are not good parents. Many victims "put up with" battering because they feel that the batterer is a good parent or financial provider. Children who witness domestic violence are three times more likely to become batterers when they grow up. Observing the violence also traumatizes children who then feel frightened and unsafe in their own home even if the batterer has never hit them.

What happens if I call the police?

In Santa Clara County, when the police are called to the scene of a domestic violence incident, they will separate the parties. Each one will be interviewed separately and if the police decide that an act of domestic violence took place, they will make an arrest. The victim is given information about women's shelters, emergency protective orders, and offered medical assistance if needed. The batterer is taken to jail and the police report is forwarded to the District Attorney's Office.

The Santa Clara County District Attorney's Office has a domestic violence unit. These are specially trained prosecutors, victim advocates and investigators who will prosecute the case. Once a deputy district attorney decides to issue a criminal complaint, the charges will not be dismissed. Victims of domestic violence are often intimidated, frightened, financially dependent or so in love with the batterer that they call and ask to have the charges dropped. Experience and research tells us that he will commit the acts again if there is no intervention. The District Attorney's Office wants to make sure that you and your children are safe and that the batterer is held accountable for his actions. For this reason, the District Attorney's Office has a "no drop" policy.



What happens if charges are filed against the batterer?

- After the batterer is arrested and charges are filed, an **arraignment** in court is held. The batterer (now called the defendant) is brought to court and told what the charges are against him. He can be charged with a misdemeanor or felony offense.
- If the batterer is charged with a **misdemeanor**, he can only be sentenced to up to one year in jail, up to three years of probation, a minimum of one year of domestic violence counseling and/or up to \$6,000 in fines. If the batterer is charged with a **felony**, he can be sentenced to one year in county jail, two, three or four years in state prison and/or up to \$6,000 in fines. The defendant can be ordered to pay the victim money if he caused her out of pocket damages such as medical bills. Victims should also contact the **Victim Witness Assistance** fund, an agency that has money for victims to pay for medical bills, counseling costs, etc.
- **First time offenders** often go to jail for only a few days if the victim has suffered little or no physical injury. Do not let a batterer make you feel guilty by saying he is looking at a year or more in prison if you report his behavior to the police.
- In a domestic violence criminal case, the judge usually makes orders protecting the victim from further abuse by the defendant ("**protective orders**"). If the defendant violates those orders when he is in or out of jail, you must call the police and his probation officer immediately. The defendant can be put on restriction or his sentence increased if he is in jail or he can be put back into jail.

Fact Sheets for Teen Parents can be found on-line at: <http://www.teenparents.org>