



# Judges in the Classroom

## Domestic Violence

### Source:

Adapted by Margaret Fisher, Institute for Citizen Education in the Law, Seattle, Washington, from *Street Law: A Course in Practical Law* (9th ed.). The BJA Public Trust and Confidence Committee member, Jennifer Garber, updated the lesson in 2019. For more information, contact the Administrative Office of the Courts (AOC), Temple of Justice, 415 12th Ave SW, PO Box 41174, Olympia, WA 98504-1174. For an electronic copy of this lesson, or to view other lesson plans, visit Judges in the Classroom on the Washington Courts Web site at: [www.courts.wa.gov/education/](http://www.courts.wa.gov/education/).

### Objectives:

1. Students will understand that certain acts of domestic violence/dating violence are a crime.
2. Students will perceive that there are many causes for the problem of domestic violence and dating violence.
3. Students will identify Washington State laws that protect victims of domestic and dating violence.

### Grade Level:

Grades 9-12

### Time:

One class period (approximately 50 minutes)

### Materials:

Nine copies of Handout 1 (Domestic Violence Simulation)

### Procedures:

1. **Begin the class by introducing yourself** and telling a little bit about what you do, if this is your first class. Then, tell students they will consider today the crime of domestic violence (in this case, spouse abuse). Ask for nine volunteers to take part in a simulation or scripted roleplay. Take the students who have volunteered aside and assign roles. The roles are: Bob, Tanya, Arlene, Dr. Ray, Michele, Tom, Police Officer, and Lona. Give

the players time to quickly review their parts.

Note: This lesson assumes the teacher has already introduced the topic of family law. No other prior introduction is necessary for this lesson. Obviously, the topic is a sensitive one, and the judge and teacher should keep in mind that some students may be victims of abuse or may have witnessed abuse in their homes or families.

2. **Ask the role players** to come to the front of the room and enact the simulation; the simulation should take 5-10 minutes. Afterwards, give the players a hand and ask them to take their seats.
3. **Ask the class for reactions** to Arlene and Tom's situation. Begin by asking the "actors" how they felt playing their parts. Assist them in separating themselves from the roles that they had played. Did the roles seem realistic? Why or why not? (You may want to point out that while most victims of abuse are women, there are cases of women abusing men, women abusing other women, and men abusing other men.) Domestic violence refers to violence in intimate relationships. Allow 10-15 minutes for this discussion.

Note: The simulation is designed to emphasize the lack of support and understanding that victims of abuse often face. If students find the situation unrealistic and cannot understand why Arlene would have stayed in such a situation, take the time to brainstorm reasons why victims of abuse stay with the abuser. Responses include hope that things will change, love for the abuser, isolation, loss of self-esteem, self-blame, financial dependence, lack of support in the community, children, religious convictions, and fear.

Tell students that according to a 2005 King County Health Department report, 11,968 domestic violence offenses were reported in King County in 2003. Of those, 3,114 were violations of protection or no-contact orders, 1,173 were aggravated assaults, 82 were domestic violence rapes, and 16 were homicides—14 of which women were the victims.<sup>1</sup>

4. According to a study by the FBI, 52 percent of all women murder victims are killed by husbands, ex-husbands, and boyfriends. Relate how the issue of domestic violence affects the cases that come into your courtroom.
5. **Lead the discussion** toward an examination of what Arlene's options are. What can she do? What laws protect her? Spend 20-25 minutes on this discussion.
6. **Explain to students that** while the criminal justice system and other laws are in place to assist victims of domestic violence, the system itself is often unable to follow through. For example, while the King County police receive a domestic violence call every 16 minutes or so, only half of those phone calls result in police reports and fewer than one in five cases go to court. The abuser is found guilty in about one case in 20. The reasons for this include: 1) system overload—too few prosecutors, victim advocates, and judges;

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<sup>1</sup> Robert Jamieson in The Post-Intelligencer, "A piece of paper alone can't stop abuse," April 3, 2007.

2) victims are unwilling to testify against the batterer; and 3) batterers avoid arrest by leaving before the police arrive, and police and prosecutors are too busy to pursue them.

7. **The teacher should follow this lesson** with a discussion of child abuse and laws to protect victims of child abuse.

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**Information on Washington's Law, RCW 26.50.010 et seq. for Class Discussion:**

Washington State law has special protections for victims of domestic violence. Washington's domestic violence laws protect individuals who are being abused by a family or household member, not just by a spouse:

Required relationships for domestic violence in Washington:

Current or Former Spouses
Current or Former Domestic Partners
Parents of Child in Common
Adult Persons Related by Blood or Marriage
Adult Persons Currently or Previously Residing Together
Persons 16 or Older Currently or Previously Residing Together and Have or Have Had a Dating Relationship
Biological or Legal Parent-Child Relationship, Including Step Parents and Step Children and Grandparents and Grandchildren

Behaviors Included in Domestic Violence:

Physical Harm, Bodily Injury
Assault
Infliction of Fear of Imminent Physical Harm, Bodily Injury, or Assault
Sexual Assault of One Family or Household Member by Another
Stalking

A person who is being abused can seek help either through the criminal justice system or the civil legal system. If an attack is taking place, the best thing to do is to call the police. The police must take a report, inform the victim in writing of her or his rights as a domestic violence victim, and make sure s/he is not in continuing danger. The police should have information about shelters and other community resources to help abused persons. The police must also offer or arrange for transportation to a hospital if necessary or to a shelter or other safe place. It is not necessary to decide whether or not to press

charges at the time the police come to the home.

The police must also inform the victim that there is a statewide 24-hour toll-free hotline with information about shelter and alternatives to domestic violence. That number is **1-800-562-6025**. There are many excellent resources on the web, including [www.womenslaw.org/WA/WA\\_main.htm](http://www.womenslaw.org/WA/WA_main.htm), [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org), and [www.wscadv.org](http://www.wscadv.org).

If the victim does not call the police at the time of the incident, s/he may report it later and ask to press charges at that time. The prosecuting attorney has the authority to decide whether or not to file charges against the abuser. If the prosecutor decides not to press charges, the victim is entitled to notice and the right to request the filing of charges.

If charges are filed, only the prosecutor has the authority to drop them. The victim is a witness and has no control over the case. It may take weeks, or even months, for the case to come to trial. The judge may issue a "no-contact" order, which orders the abuser not to contact the victim by phone or in person prior to the trial.

If the case does go to trial and the abuser is found guilty, the judge can issue an order requiring that the abuser get perpetrator treatment or substance abuse treatment, if drugs or alcohol were involved. The abuser can also be ordered to pay the victim for any medical expenses or property damage. The judge may put the abuser on probation and can extend the no-contact order if the victim is in fear of future abuse. The judge can also order jail time, which may be suspended.

### **Information on Federal Violence Against Women Act, for Class Discussion**

In 1994, the U.S. Congress passed a major crime bill that included the Violence Against Women Act. This law made it a federal crime to cross state lines with the intent to harass or batter another. It also funded new rape and domestic violence shelters; training of police, prosecutors, and judges to better identify, understand and respond to violent crime; and established a national hotline on domestic violence. The law was renewed several times by Congress. However, in February 2019, the U.S. Congress allowed the Violence Against Women Act to expire. While there are some efforts to reauthorize the law, currently it is stalled in the U.S. Senate.

### **Information on Washington's Law, RCW 26.50.010 et seq. for Class Discussion (Continued):**

The civil legal system can offer help to victims of domestic violence by issuing an Order for Protection. An Order for Protection can be obtained without a lawyer. There are many different reasons to ask for a protection order, and there are two categories of orders: emergency/temporary that can last up to two weeks, and full/final that will last up to one year. There is no filing fee for orders of protection. An Order for Protection can command the abuser not to threaten, harass, or molest the victim; it can exclude the abuser from the home for up to one year; or it can remove access to firearms for a period

of time. The order can also award temporary custody of children and order that the abuser get perpetrator treatment. An order may be issued by a municipal, district, or superior court, but only the superior court can award custody of children or order the abuser to move out of the house.

If the victim is married to the abuser, or has children with him, and is bringing an action for divorce, legal separation, or to get custody of a child, a Temporary Restraining Order (TRO) can be issued as part of that case. The Temporary Restraining Order provides the same protection as an Order for Protection, except that there can be no order for counseling. A Temporary Restraining Order can, however, award temporary child support and temporary use of property such as a car.

If the abuser violates an Order for Protection or a Temporary Restraining Order, the police must arrest him. Of course, these orders will only be enforced if the victim calls the police to report any harassment or abuse. Again, actual enforcement of these orders can be difficult.

There are several other types of civil protection orders that do not require a domestic relationship: Sexual Assault Protection Orders, Anti-Harassment Protection Orders, and Extreme Risk Protection Orders. Victims of non-consensual sexual contact or penetration, who have a reasonable fear of future dangerous acts may seek Sexual Assault Protection Orders. Someone who has been harassed by another person engaging in a series of acts over a period of time can seek an Anti-Harassment Protection Order. A family member, a household member, or a law enforcement agent may seek an Extreme Risk Protection Order to remove access to firearms when a person poses a significant danger of harm to self or others by access to firearms.

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## Handout 1

### Domestic Violence Simulation<sup>2</sup>

#### Two neighbors, Bob and Tanya, talking about Arlene

TANYA: So, Bob, have you seen Arlene lately? Huh? Well look...she's got bruises all over her arms and one of her arms is broken and she's got a black eye. So whaddaya think?

BOB: So? I mean... What are you saying? Maybe she walked into a door or something.

TANYA: Oh come on, a door? You know, their house is too far away to hear anything...but I got this feeling that Tom beats her. She says she fell down the stairs and one of her kids poked her in the eye...but you don't get a black eye like that from a four-year-old...and...I don't know...maybe we should call some agency or the police or something...whaddaya think?

BOB: Yeah, right...that's just what we need! Some stupid government agency or the cops! How do you KNOW she's not telling the truth? Huh? Maybe she is and anyway if she wanted us to know what's really going on she would tell us. I say MIND YOUR OWN BUSINESS... and DON'T GET INVOLVED. If anything is going on you might make it worse. OK? So just stay out of it!!

TANYA: Well...all right, but...I don't know...

#### Arlene at the doctor's office

ARLENE: Look Dr. Ray, this is very hard for me to say...I've never told anyone before...and it's embarrassing...but I can't take it anymore...my husband...Tom...he just goes crazy sometimes and beats me. It comes out of nowhere...he just goes nuts and starts punching me with his fists...he's thrown me down the stairs and into walls...and now he's broken my arm...sometimes it's so bad I can't even leave the house. I mean...I hurt so bad I can't get around much...after he beats me he runs out of the house and stays away for a few hours...sometimes for days...I lie to the kids and my friends about what happened...I think my sister knows what's going on, but I don't know. Then he comes back and promises me he'll never do it again and he's sorry and he doesn't know what happened or why he acts that way...he sometimes brings me presents...he says he's trying to get better...and I believe him...but he hasn't and...I never know when he's going to go off about something and start hitting me...I need some help doctor.

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<sup>2</sup> Simulation adapted from lesson written by Seattle University Street Law student Larry Knappert.

DR. RAY: Well, Arlene...are you sure you haven't done something to upset him?

ARLENE: No...I mean yes...I don't know...it just comes out of the blue.

DR. RAY: Well, now, now, Arlene...you know Tom works very hard for you...and he's tired, he's struggling to make ends meet, to put you through college, to provide for the kids, to pay the rent. I mean to say.... he has stress at work and at home. Have you REALLY tried to help him? Maybe you're not understanding enough...maybe you don't know how you seem to Tom...you seem a little nervous to me...I think you're probably so wrapped up in going to school and your own life that maybe you don't give him enough love or compassion. Now, I want you to take some of these sedatives here and try to be a little nicer to Tom. I'm sure that will stop you from doing anything to upset him.

### **Arlene on the telephone with her sister, Michele**

ARLENE: Hello.

MICHELE: Hi, Arlene, it's me. Gee, what took you so long to answer the phone? Why are you home anyway? I thought you had class today. I was just going to leave a message for you.

ARLENE: Oh, it's nothing...I...uh...just feel kind of sick today, you know...I think maybe I have a cold or something.

MICHELE: You looked fine to me last night. Arlene, is something going on with you and Tom? You always have those bruises on your arms. Yes, I've seen them. You always seem to be sick or something, and you had a lot of make-up on last week, but it still looked like you had a black eye. Is Tom beating you? Is that it?

ARLENE: Well...it's not really like that...it's kind of my fault I guess...the doctor says so anyway. I don't know...

MICHELE: Don't lie to me, Arlene. I knew that Tom was beating you. He's probably been doing it for years, hasn't he? And it is that bad! I know how often you miss school...or wear those big, baggy sweats when it's 80 degrees out. Arlene, you've got to do something about it. I don't care what that quack doctor says about it being your fault. It's not! You've got to do something about it...before he kills you or the kids. You could call a social worker or one of those hotlines for victims...they know how to help you.

ARLENE: You don't understand, Michele. It's not that easy...It'll probably just make it worse... If Tom ever knew I told anyone...I have to go...

**Tom, alone**

TOM: So I beat my wife. I'm sorry. I'm not really a bad person. I know I shouldn't...and I'm trying to control myself. I read those books about feelings and stuff, the ones by the checkout stands...I really do try to stop...but sometimes she just does things that drive me up the wall...and she knows. The other week she served me dinner FIVE MINUTES LATE...then she gives me this look...and she KNOWS I NEED DINNER ON A REGULAR SCHEDULE! WHY DOES SHE DO IT? Here she is going off to school and forgetting about my needs. I come home, and have no idea where she's been all day, or who she's been with. Look, I know how to take care of this...I saw my father handle my mother pretty good...and my mother made sure to have dinner on the table and ON TIME! Or else! OK...that sounds kind of macho or something, but it's just a little slap or something like that...not much...just to keep her in line, that's all. I'm the Man...you know? Anyway, what else am I supposed to do?

**Police at the door, after a beating**

POLICE: Okay, ma'am, just tell me what happened.

ARLENE: Well Tom, that's my husband, he just went crazy and started beating me.

POLICE: How long ago did this happen?

ARLENE: About an hour ago, I guess. He left with my car. That's when I called.

POLICE: Why'd he beat you?

ARLENE: I don't know. I brought him his slippers and he accused me of trying to hide something because I was being good to him. He dumped out my purse and tore everything apart. He said I must have done something wrong and he wouldn't believe me when I said I hadn't.

POLICE: Well, there's not much I can do about it right now. You seem to be safe anyway...we'll file a report.

ARLENE: Then what?

POLICE: Well, we'll file a report, and arrest him if we can find him. Then he'll probably be released within a few hours. The prosecutor will decide whether or not to press charges. We'll need a statement from you.

ARLENE: Oh, Tom would really go crazy if arrested. Can you just forget about this?



**Arlene, talking on the telephone to Lona, a domestic violence advocate**

ARLENE: Oh, I need somebody to talk to. My husband just beat me up.

LONA: That's what we're here for. First, are you in any danger right now?

ARLENE: I guess so. He just left, but I never know what he'll do when he comes back. Do you have room for me and my two kids—just for a week or so?

LONA: Yes, we do. Can you get a taxi? I suggest you get out of the house as soon as possible. We can discuss your options once you get here.