Looking Beyond Domestic Violence: Policing Coercive Control *

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Abstract: The current policy, legal and criminal justice response to partner abuse is based on a “violent incident model” that equates abuse with discrete assaults and gauges severity by the degree of injury inflicted or threatened. Although application of this model by police has reduced serious and fatal partner violence, it has not significantly improved the long-term prospects of battered women. This article argues that the limited effectiveness of the criminal justice response stems less from failures in policing than from a large gap that separates the violent incident model guiding the current response from the pattern of coercive control that drives most victims to seek police or other outside assistance. This article identifies the flawed assumptions that underlie the violent incident model, shows why application of this model by law enforcement has failed abused women, describes the pattern of coercive control research shows to be typical of abusive relationships and outlines how adapting the coercive control model would improve the police response

Since shortly after the first battered women's shelters opened in the U.S. in the l970's, the movement to stem partner abuse has relied heavily on a criminal justice approach. Early feminists saw male violence as one among other important means used to secure male domination and perpetuate sexual inequalities in society-as-a-whole. By the early l980's, however, "ending violence" had become a primary goal of the advocacy movement and attention had shifted from economic and political sources of inequality, such as discrimination in employment and wages, to policing individual acts of 'power and control.' The new victim-offender economy highlighted physical injuries and other concrete harms and demanded protection and punishment, goals that quickly moved the courts and criminal justice system to the center of the societal response to partner abuse. Based on an analogy between partner abuse and assaults by strangers, the advocacy movement demanded that law enforcement provide battered women with the "equal protection" they were guaranteed by the l4th Amendment to the U.S. Constitution. This approach was enormously successful in winning policy reforms: by the late l990's, federal and state law defined violence by partners as a criminal offense; provided for emergency as well as longer-term Protection from Abuse Orders (PFA's) that restricted a respondent's access to victims and their children as well as to firearms; and funded a range of programs to provide shelter, legal assistance and other supports for victims and counseling for offenders through Batterer Intervention programs (BIPs). Following federal guidance, states also made arrest mandatory or the preferred response to domestic violence offenses, including violations of Protection Orders and protected police from liability if they followed this policy. The Violence Against Women Act (VAWA) and other Federal and state funding streams have consistently joined grants for shelters to money to enhance the response by police and the courts, including the creation of specialized responses by police, prosecutors and the courts (Buzawa, Buzawa & Stark, 2012).

At the root of these reforms is a model that equates partner abuse with discrete assaults or threats, what I call the “violent incident model.” Domestic violence laws target discrete assaults/threats and carry the implication, only occasionally spelled out in criminal statutes or service protocols, that the severity of abuse can be gauged by applying a calculus of physical harms to these incidents. Research shows that the level of harm they observe is among the most important factors that determine how police respond to domestic violence (Stark, Stark & Buzawa, 2012). The same focus on violent incidents frames the response of other services: community-based programs like shelters prioritize “safety” for victims and “accountability” for perpetrators; batterer intervention programs (BIPs) seek to “end the violence;” public education campaigns highlight dramatic injuries or fatalities; and child welfare agencies emphasize how children are harmed by “exposure to violence.” PFA’s are predicated on the belief that victims and offenders have sufficient time ‘between’ violent incidents (called “time to violence” in the treatment literature) to exercise their decisional autonomy to “leave” the or stop the abuse. Assessment instruments designed to predict “dangerousness” consider few abusive tactics other than physical and sexual violence (Stark, 2012).

The adaptation of the violent incident model is a significant improvement over the past, when few instances of domestic violence led to any intervention, let alone an arrest. Arrests of abusers have skyrocketed and, in many jurisdictions, the proportion of domestic violence complaints that result in arrest is similar to the proportion of arrests in other crimes. There is also evidence that more aggressive policing has contributed to a dramatic drop in serious and fatal injury in partner abuse cases, a major accomplishment.

Despite the contribution of policing to reductions in the severest forms of partner violence, arrest and court protections appear to have had relatively little impact on the long-run prospects of victims. As we shall see, this is because the hallmarks of violence in abuse cases are its frequency and duration, not its severity. Thus, when the response is gauged to severe violent acts, most abuse goes either unrecognized or unpunished. Moreover, in a majority of

these cases, tactics other than violence are the most salient and consequential. Indeed, focusing on the most serious violent acts may have contributed to a sharp rise in reported rates of low-level physical abuse, so that overall levels of partner violence are about the same today as they were in the early l970's (Stark, 2007' Stark, 2012). Because calling police, seeking shelter and getting a PFA afford women an alternative to responding violently to abuse of themselves or their children, many fewer abuse victims kill abusive men than was the case 40 years ago. By contrast, the number of female victims killed by abusers has dropped much more slowly, in part because the safety net designed to protect women from violence has failed to effectively deny abusers access to their partners.

In this article, I argue that the limited effectiveness of the criminal justice response stems less from failures in policing than from the fact that current laws, training and procedures are based on a violent incident model of abuse that bears little resemblance to the forms of oppression that drive most abused women to require outside assistance. Domestic violence laws target discrete threats and assaults. However, most abused women have being subjected to a pattern of sexual mastery that includes tactics to isolate, degrade, exploit and control them as well as to frighten them or hurt them physically. This pattern has been variously termed psychological or emotional abuse, patriarchal or intimate terrorism (Tolman, 1992; Johnson, 2008) and coercive control (Stark, 2007), the term I prefer. This gap between what the law defines as the crime of domestic violence and the actual tactics abusers use to subjugate their partners severely limits the efficacy of even the most dedicated and well trained police.

Some of the tactics used in coercive control are criminal offenses, such as stalking, while others are crimes only if committed against strangers such as economic exploitation or sexual coercion. But most of the tactics abusers use in coercive control have no legal standing, are rarely identified with abuse and are almost never targeted by police or the courts. These tactics include forms of constraint and the monitoring and/or regulation of commonplace activities of daily living, particularly those associated with women's default roles as mothers,

homemakers and sexual partners and run the gamut from their access to money, food and transport to how they dress, clean, cook or perform sexually. In addition to limiting the effectiveness of police intervention, adapting the violent incident model of abuse masks its true scope as well as its most devastating consequences. No amount of reforms in how police administer the violent incident model can fully correct for the failure of laws to criminalize the coercive and controlling dimensions of abuse. Nevertheless, as we await changes in law and policy to incorporate coercive control, the police response can be greatly improved simply be learning to recognize coercive control and adapt their decision-making accordingly.

The article is divided into three parts. *Part I* identifies the shortcomings of the violence model as a framework for the police response to partner abuse. I contrast its emphasis on discrete assaults with evidence showing that frequent, low-level violence is the hallmark of abuse and that its cumulative effects are the proper basis for assessment, not the effects of particular incidents. The analogy of partner to stranger assault misses the historical nature of partner abuse, the fact that it is typically ongoing rather than comprised of discrete incidents, fragments and trivializes the oppression involved and supports perceptions and expectations of victims that often exacerbate their predicament. The violence model also ignores the multiple non-violent tactics typical of most cases and which are as often the predicate to violence as its sequelae.

Part II outlines the alternative model of coercive control, documents the relative prevalence of its various components and shows their significance. There is no validated measure of coercive control. However, compelling evidence shows that the presence of 'control' tactics predicts a range of harms, including sexual, physical and fatal violence, far better than prior assault (Glass et al., 2004; Beck and Raghavan, 2010). The level of control an offender is exercising is a far better way to ration scarce police resources than the level of violence.

Part III addresses the implications for improved policing of adapting the coercive control model. Offenders use coercive control to establish a pattern of non-reciprocal authority

(domination) by replacing a partner's capacity for independent and self-interested decision-making with non-voluntary dependence (subordination). To this extent, coercive control has more in common with 'capture' crimes such as kidnapping or hostage-taking than with conventional assaults. As with capture crimes as well, the 'wrong' of coercive control involves depriving partners of their liberty, dignity and equality as well as violating their physical integrity. Because it insults fundamental liberties, coercive control constitutes what the former prosecutor Michele Dempsey (2009) calls "domestic violence in the strong sense." These insults also set the aim of criminal justice intervention, to restore the victim's basic freedoms, including her capacity for decision-making wherever and however it has been quashed. As with other cases involving subjugated adults, the police response involves a complex mix of authoritative decision-making (to arrest, aggressively pursue violations of Protection Orders, etc.) and respect for the dignity and rationality of the victim's decision-making.

This article emphasizes the "technology" of coercive control and its major experiential consequence, a hostage-like condition of *entrapment* that often includes many of the same physical and psychological consequences suffered by victims of other types of assault. What distinguishes coercive control from simple domestic violence and most stranger assaults is that the victim's vulnerability to future harm is a function her objective or structural subordination rather than of the level of physical violence. The nature of policing necessities focusing on what perpetrators do *to* their partners. But the larger significance of coercive control derives from what abusers prevent women from doing for themselves. David Adams (l988, p. 191), a founder of an early Batterer Intervention Program (BIP), defined abuse as including any act "that causes the victim to do something she does not want to do, prevents her from doing something she wants to do, or causes her to be afraid…regardless of whether assault is involved." Just as the rationale for policing violence comes from the need for persons to transact their purposes in the world without fear for their safety, the rationale for policing coercive control come from the

foundation of rights and freedoms without which persons cannot enjoy the “fruits of liberty” guaranteed by the U.S. Constitution.

Until recently, coercive control was invisible in plain sight. In part, this is because many of the control tactics target activities already identified as women’s default responsibilities (such as housework or cooking) or involve areas still viewed as male prerogatives, such as control over money or how women perform sexually. Taken separately, many of these behaviors seem to reflect individual biases, such as the belief that a woman should not work or that she should exchange sex for access to her own credit card. Other behaviors may seem idiosyncratic, such as a demand that a wife clean “till you can see the lines” or that the temperature of the bath water be exactly so many degrees. The full scope of coercive control as a form of abuse only becomes apparent when these behaviors are interwoven into a pattern over time and when obeying an abuser’s demands is largely based on fear of what will happen to her if she disobeys, the “or else” proviso. Since violence may not be present or remain below police radar in these relationships, it is not always easy to distinguish coercive control from voluntary compliance with traditional gender roles.

Part I. The Limits of the Violent-Incident Model of Abuse

Most people still imagine that the broken bones, black eyes and bruises that mark the abused women shown on television or on posters during “Domestic Violence Week” are typical of abusive relationships. Nothing could be further from the truth.

The Violence Model

The violence model defines abuse as “an act carried out with the intention or perceived intention of causing physical pain or injury to another person” (Gelles, l997 p.14). Drawn from criminal justice and the analogy to stranger assault, this definition targets discrete violent acts whose seriousness is measured by the degree of harm inflicted or intended. Perpetrators who continue their assaults are referred to as “recidivists,” another criminal just concept. The implication is that, like someone who commits many burglaries, a subgroup of abusers “repeat”

their offense, often multiple times. Arrest policies, Protection Orders, BIPs and other interventions are predicated on the belief that there is sufficient time “between” assaultive episodes for victims and perpetrators to contemplate their options and make self-interested decisions to end their abuse or exit the abusive relationship, what is termed “time to violence” in the treatment literature.

The first problem with this model is the well documented fact that partner assaults are almost never isolated incidents. Indeed, almost half of the abuse reported in population samples involve “serial abuse,” where violence occurs at least once a week (Klaus & Rand, 1994), while over a third of the victims interviewed at police calls report being assaulted on a daily basis (Brokoff et al., l997). Since the average abusive relationship lasts between 5.5 and 7.3 years. (Stark & Flitcraft, 1996; Campbell et al., 1998), a high proportion of abused women have been assaulted dozens and even hundreds of times by the same offender before they encounter police. For these women, abuse is “ongoing,” not merely “repeated,” and so has more in common with course of conduct crimes such as harassment or with chronic diseases such as HIV-AIDS than the sort of acute, time-limited assaults that involve strangers and which are anticipated by our current laws and court interventions.

A second problem with the violence model is the weight it assigns to injury. In the early l980’s, Anne Flitcraft, MD and I conducted The Yale Trauma Studies, research that established that domestic violence was the leading cause of injury for which women sought medical attention (Stark and Flitcraft, 1996). In fact, however, even in the Emergency Department or among women who call police, between 95% and 99% of domestic violence involves non-injurious assaults, pushes, shoves, grabs, punches, kicks and the like (Stark, 2007; Stark & Flitcraft, l996).

The importance of “minor” acts of violence only becomes clear when we set them in their historical context as part of a pattern of physical intimidation that has a cumulative effect on a particular victim that can be devastating. But when they are approached with a model that

considers each assault separately, the pattern of routine, low-level assault is replaced by a a view of minor assault or a series of trivial assaults, none of which appear to merit serious intervention. If we live in a state like Massachusetts where arrest is used mainly for victims who have suffered "serious" physical harm, then no intervention will occur in the vast majority of incidents, although a high proportion of those arrested will spend time in jail. By contrast, in Connecticut, New Jersey and other states where even minor domestic assaults prompt an arrest, only a tiny proportion of arrests, somewhere between I% and 5%, will be followed by conviction and/or jail time. In neither circumstance will multiple offenses prompt a more serious response than a single incident.[1]

The consequences of the current approach were illustrated by a study in Northumbria in the United Kingdom. Researchers followed 692 offenders arrested (Hester, 2006; Hester & Westmarland, 2006). Most calls for help resulted in arrest (91%). But because the focus was the incident only and most incidents were non-injurious, arrests were primarily for breach of the peace and perpetrators were charged and convicted in only 120 (5%) of 2,402 incidents of domestic violence reported, an attrition rate from report to conviction of 95%. Interviews confirmed that offenders recognized their assaults would not be taken seriously. Abuse was typically chronic in Northumbria, as it is in the U.S.. Half of the offenders were re-arrested for domestic abuse crimes within the 3 year study period and many were arrested multiple times. Because each incident was treated independently, however, the most common penalty for convicted men was a fine and there was no correlation between the likelihood that a perpetrator would be arrested and either the number of his domestic violence offenses or even whether he was judged "high risk." Indeed, since assessment of risk was also incident-specific, the same

[1] In my home state of Connecticut, well over 95% of domestic violence cases are nolled or dismissed. At best, the offending men are referred for counseling. In the neighboring state of Massachusetts, where the law requires a much higher level of violence, only a small proportion of incidents prompt arrest, though the proportions punished is much higher.

offender who was judged “high risk” one week (because the target assault was deemed serious) was labeled “low risk” the next.

Because abuse is typically “ongoing,” victims seek help repeatedly. As their entrapment builds, so does their risk and so also their level of fear. Given the assumption that victims and offenders exercise decisional autonomy ‘between’ episodes, however, police and other service providers tend to apply negative stereotypes to these persistent help-seekers, seeing them as “repeaters” rather than realizing that their desperation reflects the fact that their abuse is ongoing and that arrest has done little to interrupt it. Some police officers attribute the woman’s apparent inability to ‘leave’ to a deficit in her character and consider her expressions of fear exaggerated, fabricated or as the byproduct of mental illness, particularly in contrast to the relatively minor nature of the incident to which they are responding. More sympathetic officers view the fact that abuse continues as “tragic,” but somehow inevitable given the characters involved. In this respect, the police response is no different than the response victims meet in family court, child welfare or the health system. Over time, as a victim’s entrapment becomes more comprehensive, the police response tends to get more perfunctory, a process termed “normalization.” Institutions collude (rather than collaborate) in a negative image of victimized women that pervades all of their encounters with the helping system.

Note, the transformation of a devastating crime into a second-class misdemeanor for which only a tiny proportion of offenders go to jail is the byproduct of the way law and policy define partner abuse, not of any malfeasance on the part of police or the courts. Conversely, this problem cannot be fixed by strengthened training and commitment to enforce current laws.

The third problem with the violent incident model is that between 60% and 80% of the victims who seek outside assistance are experiencing multiple tactics to frighten, isolate, degrade and subordinate them as well assaults and threats (Stark, 2007). These tactics run the gamut from sexual exploitation, material deprivation and imprisonment to the imposition of rules for how victims carry out their daily affairs. These tactics are almost never included in domestic

violence assessments or charges. To the contrary, the victim's subordination is often misinterpreted as a byproduct of the same 'dependent personality' that kept her from leaving.

Part II. An Alternative Model: Coercive Control

The coercive control model was developed to encompass the ongoing and multifaceted nature of the abuse experienced by the 60% to 80% of victimized women whose partners extend their oppression beyond physical and psychological abuse. The essence of coercive control is that its primarily male offenders exploit persistent sexual inequalities in the economy and in how roles and responsibilities are designated in the home and community to establish a formal regime of domination/subordination behind which they can protect and extend their privileged access to money, sex, leisure time, domestic service and other benefits. To this extent, abusers resemble the worst class of predators. Women often abuse men physically and can also "dominate" men, using many of the same tactics men use in coercive control. When women deploy coercive control in heterosexual relationships or men or women use it in same sex relationships, it is rooted in forms of privilege other than sex-based inequality (since men cannot be unequal to women at the same time women are unequal to men), including social class, income, age, race or homophobia. Since each of these characteristics may converge with systemic inequalities, they can reinforce an abuser's power in much the same way as sex-based privilege. However, since the vast majority of intimate relationships involve racially homogeneous, same cohort heterosexual partnerships, sexual inequality is the primary context for coercive control and the source of the vast majority of cases police will encounter.

<u>The Technology of Coercive Control</u>

Coercive control has identifiable temporal and spatial dimensions, recognizable dynamics and predictable consequences. For the purposes of assessment, I subdivide the tactics deployed into those used to hurt and intimidate victims (coercion) and those designed to isolate and regulate them (control). Perpetrators adapt these tactics through trial and error based on their relative benefits and costs and the perceived vulnerabilities of their partner.

Hostage-taking, kidnapping, and other 'capture' crimes share many of the same tactics. What distinguishes coercive control from these other crimes is the unique access intimacy affords a perpetrator to personal information about a partner (which kidnappers, terrorists, etc. rarely possess); the normative support for "control" associated with the male role; its substantive focus on micro-managing how women perform gender roles they inherit by default, simply because they are women; and a host of situational factors such as whether the money on which an abuser depends will be jeopardized if his wife misses work or appears at her job with an injury.

COERCION:

Coercion entails the use of force or threats to compel or dispel a particular response. In addition to causing immediate pain, injury, fear, or death, coercion can have long-term physical, behavioral, or psychological consequences.

(a) Violence

Partner assaults frequently involve extreme violence. In a British survey of 500 women who sought help from Refuge UK (referred to as 'the 'Refuge UK sample'), 70% had been choked or strangled at least once, 60% had been beaten in their sleep, 24% had been cut or stabbed at least once, almost 60% had been forced to have sex against their will, 26.5% had been "beaten unconscious," and 10% had been "tied up." As a result of these assaults, 38% of the women reported suffering "permanent damage." (Rees, Agnew-Davies and Barkham, 2006). Like physical assault, repeated sexual assaults are a common and underappreciated facet of coercive control, with fully 27% of the Refuge UK sample reported they were forced to engage in sex "often" or "all the time and 24% reported being forced to engage in anal sex at least once. [2]

[2] As part of the Yale Trauma Studies, Dr. Anne Flitcraft and I reviewed the medical records of all rape victims who had used the hospital in the previous year. We found that over a third of the rapes were committed by partners or former partners and, if the rape victim was over 30, the proportion jumped to more than half (Stark & Flitcraft, 1996)

Even so, the vast majority of assaults used in coercive control are distinguished by their frequency and duration, not by their severity. Johnson (2008) reported that men using coercive control assaulted women six times more often on average than men who used physical violence alone. In the Refuge UK sample, the women reported that "often" or "all the time," their partners "shook" or "roughly handled" them (58%); pushed or shoved them (65.5%); slapped or smacked them or twisted their arm (55.2%) or kicked, bit or punched them (46.6%) (Rees et al. 2006). To many of these men, assault was a routine, like using the toilet, and not the byproduct of overt anger or a "conflict." Similarly, while rape is common enough in abusive relationships, "coerced sex" is far more common, though it rarely is picked up in charging abusers.

(b) Intimidation

Intimidation is used to keep abuse secret and to instill fear, dependence, compliance, loyalty, and shame. Offenders induce these effects in three ways primarily—through threats, surveillance, and degradation. Intimidation succeeds because of what a victim has experienced in the past or believes her partner will or may do if she disobeys, the "or else" proviso. If intimidation sufficiently undermines a partner's will to resist, violence may not be deemed necessary. In a Finish population survey, a subgroup of older victims who had not been physically assaulted for l0 years or more reported significantly higher levels of fear than younger women who were experiencing ongoing assault (Piispa, 2002).

In the Refuge UK sample, 79.5% of the women reported that their partner threatened to kill them at least once, and 43.8% did so "often" or "all the time." In addition, 60% of the men threatened to have the children taken away, 36% threatened to hurt the children, 32% threatened to have the victim committed to a mental institution, 63% threatened their friends or family, and 82% threatened to destroy things they cared about (Rees et al., 2006). Few threats are reported. The destruction of property is another common tactic. A client in my forensic practice reported: "Once, when he was angry about my buying a dress, he just turned and put his fist through the car windshield. All I could think was 'I'm glad that isn't me."

Intimidation extends to subtle warnings whose meaning eludes outsiders such as a raised eyebrow or a clenched fist or which may even seem loving, such as a promise to help a wife comply with a dietary regime recommended by a physician. The boyfriend of one of my clients would come onto the field and offer her a sweatshirt. Only she understood she would have to cover up her arms that night after he beat her.

Another class of threats creates the "battered mother's dilemma," where a victim is made to choose between her own safety and the safety of a child. My forensic work included several women who were killed after returning to the house to protect their child. Many of the same tactics used to extract information or compliance from hostages are deployed in coercive control, including withholding or rationing food, money, clothes, medicine, or other things. Thirty-eight percent of the men in the Refuge UK sample stopped their partner from getting medicine or treatment they needed and 29% of the men in a US study did so (Rees et al., 2006; Tolman, 1989; 1992). Passive-aggressive threats such as emotional withdrawal, disappearing without notice or the 'silent treatment' can be equally devastating. In the Refuge UK sample, more than half of the men threatened to hurt or kill themselves if the woman left, and 35% used the same threat to get her to obey (Rees et al., 2006).

Another class of threats, illustrated by the meticulously organized cabinets in the American film *Sleeping with the Enemy* (1991) involves anonymous acts whose authorship is never in doubt. Men in my practice have left anonymous threats on answering machines, invented false personae to send them threatening texts or e-mails; removed pieces of clothing or other memorabilia from the house, cut telephone wires, stolen their partner's money or their mail or removed vital parts from their cars. Abusers also exploit secret fears to which they alone are privy or play "gaslight" games, named after the 1944 film *Gaslight* in which Charles Boyer created various visual and auditory illusions to convince his wife she was insane. In the Refuge UK sample, 75% of the women reported that their partners had tried to make them feel crazy "often" or "all the time" (Rees et al. 2004). Perpetrators will also threaten their partners by telling

transparent or outrageous lies or saying or doing things in a public setting that insult or embarrass them. Their intent is to remind victims that confrontation is dangerous. The more transparent the offense, the more humiliating is compliance.

Stalking is the most prevalent form of surveillance used in coercive control and is distinguished by its duration—lasting 2.2 years on average, twice the typical length of stalking by strangers—its link to physical violence, and its combination with complementary forms of intimidation and control. Of the 4.8 million women in a U.S. who reported being stalked by present or former partners, 81% were physically or sexually assaulted (31%); 6l% received unsolicited phone calls, 45% were also threatened verbally or in writing, and roughly 30% had their property vandalized or received unwanted letters or other items (Tjaden & Thoennes. 2000). Designed to convey the abuser's omnipotence and omnipresence, stalking falls on a continuum with a range of surveillance tactics that include timing partners activities (calls, toileting, shopping trips, etc.); monitoring their communications; searching drawers, hand-bags, wallets or bank records; cyber-stalking with cameras or global positioning devices or having partners followed. Eight-five percent of the women in the U.S.study by Tolman (l989) and over 90% of the Refuge UK sample (Rees et a. 2006) reported that their abusive partner monitored their time. Surveillance tactics allow abusers to 'cross social space,' making physical separation ineffective.

Degradation establishes an abuser's moral superiority by denying self-respect to their partners, a violation of what Cornell (1995) calls "the degradation prohibition." Virtually all of the women in the Refuge UK sample reported that their partners called them names (96%), swore at them (94%), brought up things from their past to hurt them (95%), "said something to spite me" (97%), and "ordered me around" (93%). In more than 70% of these cases, this happened "often" or "all the time" (Rees et al., 2006). The insults used in coercive control target areas of gender identity from which the woman draws esteem such as cooking. Insults are devastating because the woman cannot respond without putting herself at risk.

Common *shaming tactics* involve using a tattoo, burns or bites to "mark" ownership;' forcing a partner to submit to sexual inspections or participate in sexual acts she finds offensive; or demanding she engage in other rituals around personal hygiene, toileting, eating or sleeping she finds degrading. My clients have been denied toilet paper or the right to cut their hair (in one case, for two years); made to sleep standing up; or to steal money from their boss or their children. Other abusers force partners to obey rules that would be used to discipline a child, such as staying at the table until they've eaten all their food.

CONTROL

Perpetrators use control tactics to compel obedience indirectly by depriving victims of vital resources and support systems, exploiting them, dictating preferred choices and micro-managing their behavior by establishing "rules" for everyday living. These rules remain in play even when the perpetrator is absent physically, such as when a partner is shopping, at work or with her friends or family. Because of their portability, control tactics make victims feel their abuse is all-encompassing and their partner is omnipresent.

(a) Isolation

Controllers isolate their partners to prevent disclosure, instill dependence, express exclusive possession, monopolize their skills and resources, and keep them from getting help or support. In a study of women in shelter, 36% had not had a single supportive or recreational experience during the previous month (Forte, Franks, Forte & Grigsby, 1996.) By inserting themselves between victims and the world outside, controllers become their primary source of information, interpretation and validation. Eighty-one percent of the Refuge UK sample reported they had been kept form leaving the house with almost half (47%) reporting this happened "often" or "all the time (Rees, et al. 2006).

To isolate a partner from her support system, abusers have assaulted and threatened family members, friends and coworkers; forbidden calls or visits; forced victims to chose between "them" and "me;" called them repeatedly at work or showed up unexpectedly; denied

partners funds to travel for visits; or forced them to steal from friends, family or employers; showed up drunk or otherwise embarrassed their partner at family gatherings. Over 60% of the women in the UK Refuge sample said their partners threatened their family or friends and 60% of the women in the U.S. sample and 48% in the Refuge UK sample reported that partners kept them from seeing their families (Rees et al., 2006; Tolman, 1989). Immigrant or fundamentalist women are particularly vulnerable to isolation because traditional cultures are typically patrifocal , reject divorce or separation, assign custody in a marital dispute to the father, discourage women's working, and ostracize women who reject their obligations as wives.

Isolation tactics also include denying women access to phones or cars—as in more than half of abusive relationships in the United States and UK Refuge samples. Among teens, a common isolating tactic is to sabotage birth-control and use unwanted pregnancies to force a girlfriend to drop out of school.

Isolation tactics are often designed to keep women from working or to isolate them at work, significantly impacting their employability as well as their performance or chances for promotion. More than a third of women in the U.S. study by Tolman (l989) and Refuge UK sample (Rees et al. 2006) were prohibited from working and over half were required to "stay home with the kids." To keep women from going to work, men in my practice have blocked in their partner's cars, taken their keys or items of clothing, demanded sex just as they were going to work, blackened their eyes, forced them to call in sick and suddenly found they could not babysit or transport a child to day care.

(b) Deprivation, Exploitation and Regulation

Control tactics also foster dependence by depriving partners of the resources needed for autonomous decision-making and independent living, exploiting their resources and capacities for personal gain and gratification and regulating their behavior to conform with gender stereotypes.

The “materiality of abuse” is rooted in a partner’s control over basic necessities such as money, food, housing and transportation, sex, sleep, toileting and access to health care. Seventy-nine percent of the Refuge UK sample (Rees et al. 2006) and 58% of Tolman’s (l989) U.S. sample were denied access to money or had it taken from them through threats, violence or theft. Conversely, 54% of the men charged with assaulting their partners acknowledged they had taken their partner’s money (Buzawa & Hotaling, 2003). Financial exploitation extends from denying victims credit cards or money for necessities to forcing them to account for all expenses, no matter how trivial.

Complementing material controls is the micro-regulation of women’s behavior in everyday life. While micro-management often extends to the most trivial activities (such as what shows women may watch), its main targets are women’s default responsibilities for housework, child care and providing sexual pleasure. Abusive men regulate how women emote, dress, wear their hair, clean, cook and discipline their children. In a widely publicized US case, Travis Frey forced his wife to sign a “Contract of Wifely Expectations” that exchanged “good behavior days” (GBD’s) for his wife’s compliance with his sexual demands. Rules given to women in my practice have extended to how the carpet was to be vacuumed (“till you can see the lines”) and the height of the bedspread off the floor to the heat of the water in the bath drawn each night for a husband. There is an inverse relationship between the pettiness of the rules women are forced to obey and the same associated with compliance. The fact that the only purpose of the rules is to exact obedience is illustrated by continual revisions and replacements. As Mrsevic and Hughes (l997, P. 123) put it, “As men’s control over women increases, the infractions against men’s wishes get smaller, until women feel as if they are being beaten for “nothing.”

Coercive Control, Injury and Fatality

Coercive control is the most devastating form of abuse as well as the most common. A large, well-designed, multi-city study showed that, in addition to a recent separation and the presence of a weapon (or access to a weapon in the case of offenders who are the respondents

of Protection Orders), the level of control in an abusive relationship increased the risk of a fatality by a factor of 9. (Glass, Manganello & Campbell, 2004). Neither the frequency nor the severity of violence was predictive of fatality. Control is also predictive of the less dramatic, but far more prevalent forms of coercion in abusive relationships. In a study of over 2000 individuals referred to mediation in Arizona during divorce, the presence of coercive control was more than four times more likely than the presence of violence to explain the post-separation escalation of violence (81% vs. 20%), threats to kill (80% vs. 17%) and forced sex (76% vs. 24%). (Beck & Raghaven, 2010). Why does 'control' predict subsequent violence but not the reverse? The answer has to do with the fact that women's vulnerability to violence, including lethal violence, is typically a byproduct of an *already established* pattern of domination that has disabled her capacity to mobilize personal, material and social resources to resist or escape.

Part III. Implications for Changing Intervention

Police intervention in domestic violence incidents since the implementation of mandatory arrest policies in the l980's has undoubtedly prevented tens of thousands of injuries and several thousand deaths. Perhaps even more importantly, the criminalization of partner abuse has challenged the normative approval of violence against women, helping to make the absence of violence in relationships a litmus test for their integrity. These are significant achievements, particularly given the pervasive role of violence in male socialization and identity and the continued legitimacy the state derives from appealing to this socialization process.. In equating abuse with discrete assaults and targeting those most likely to cause injury, policing was following the broad consensus among researchers, policy makers and service professionals as well, of course, as the statutes to which police are held accountable.

It is increasingly clear, however, that even the most rigorous enforcement of current domestic violence law is largely ineffective against coercive control, the most prevalent and devastating form of partner abuse. Violence is typically a major component of coercive control and severe physical and sexual violence are commonplace. But the characteristic pattern of

violence in coercive control involves frequent, even routine, low-level assaults that either fall below the radar of police screens or else result in little or no sanctions. Meanwhile, the forms of intimidation, isolation, degradation and control that comprise the infrastructure of coercive control remain largely invisible to law and criminal justice. Despite our best efforts, a major crime against the women and children in our midst as well as a major obstacle to the development of our race has been turned into a second-class misdemeanor for which almost no one is held accountable. The failure of domestic violence policing to improve the long-term prospects of battered women is a direct byproduct of the gap that separates the realities of coercive control from the crime targeted by law enforcement.

Reframing domestic violence as coercive control changes everything about how law enforcement responds to partner abuse, from the underlying principles guiding police and legal intervention, including arrest, to how suspects are questioned, evidence is gathered, resources are rationed to how Protect Orders are crafted and enforced.

To start, policing in coercive control is guided by the same “anti-subordination” principle at the basis of policing other capture-crimes, that no one has a right to subjugate or entrap an independent adult, not merely the prohibition against violence. The anti-subordination principle is complemented by the principle used to police “hate” crimes or other acts used to subjugate or dominate members of a class who are already vulnerable by virtue of their social standing. Police authority is an ‘equalizer’ in these cases, much as it is when used to counter the illegitimate power of any kind, a tool of justice not only of law enforcement. The reasoning is that persons should be treated as ends in themselves whose individual sovereignty deserves our fullest protection. Of course, applying this reasoning to personal life is not as straightforward as it is when strangers are involved.

Another major change follows when police shift their understanding of partner abuse from a discrete assault to a course of malevolent conduct that unfolds over time. The same incident has completely different significance for the type and level of interdiction required

depending on whether we are confronting a simple assault or part of a long-standing pattern of hostage-like entrapment. In the same way that an ER physician presented with a complaint of chest pain would rule out a heart attack before investigating how often the patient has eaten at McDonald's, an officer with a model of coercive control in their toolbox proceeds from the assumption that s/he is confronting coercive control until proved otherwise. Arriving at the scene, an officer may learn that the husband has only pushed or slapped his wife or threatened her with a raised fist. Depending on the jurisdiction, police may be compelled to arrest even if the assault is an isolated incident, though the likelihood of the offender being sanctioned are extremely low. By setting these acts in their historical context, however, police can determine whether the raised fist part of a long-standing pattern of subjugation in which the mere suggestion of violence is sufficient to bring a wife to her knees. In this instance, there may be an inverse relationship between the level of violence deployed and the level of hostage-like dominance present.

Putting the abusive incident in its historical context also changes how police respond to victims. An analogy to this change comes from the AIDS epidemic. When AIDs first appeared, , doctors were puzzled by why a population of relatively young gay adults or IV drug users, presented with a series of opportunistic infections. Until clinicians appreciated that a patient's susceptibility to these infections was a function of an underlying disease process and shifted to antiviral intervention, they were treated symptomatically and soon died. Similarly, a doctor who views each complaint of chest pain as separate may become frustrated by multiple visits with identical complaints, as many police, physicians, mental health practitioners, judges and advocates are when abused women return repeatedly for help or "remain" in abusive relationships. But when physicians recognize that the particular complaint is a symptom of heart disease, a chronic problem, they become proactive, view repeated use of their services as appropriate and even desirable and take steps to ensure long-term risk-reduction.

The same shift from an incident-specific reaction to a proactive response would be expected once police and the courts redefined partner abuse as a course of ongoing conduct, applied sanctions appropriate to and designed to curtail the course of conduct and approached each subsequent call or appearance as evidence that risk had escalated and stepped up sanctions were required. Instead of stigmatizing “repeaters,” police would anticipate, even encourage repeat visits and interpret expressions of fear or ‘staying’ as indicative of the severity of the entrapment involved, even when there is little or no violence. Innovative programs in New York City and Turkey involve officers paying visits to families where they have encountered domestic violence in the past, symbolizing their continued concern for family safety as well as acknowledging the ongoing nature of coercive control. Similarly, the coercive control model allows courts to reframe issuance of Protection Orders as part of a victim’s long-term strategy for restoring their capacity to resist and escape abuse rather than as a one-time antidote. Judges, like police, reframe repeat requests for protection as signaling they have done something right in the past (which is why victims return) and now must expand the scope of prohibited behaviors to encompass controlling acts and assist women in accessing the resources needed for independent, self-interested decision-making.

It is already standard practice for police at the scene of a domestic violence incident to interview each party separately as well as witnesses, where available. The detective work required to uncover coercive control is far more sophisticated, however, than the investigation required even to identify a “primary aggressor.” The multiple tactics deployed in coercive control imply that the scope of questioning and investigation must be broadened to encompass routine, but minor violence; subtle forms of intimidation and forms of surveillance or monitoring that “cross social space’ by extending abuse to the workplace or school, for instance; a range of sexually coercive acts; patterns of isolation; and the explicit and implicit “rules” that govern everything from a woman’s access to money and other material necessities to how she sleeps, dresses or talks on the phone. The “enhanced” questioning and investigation required to identify

the elements of coercive control push the boundaries of privacy, requiring strong disclaimers as well as protections of civil liberties, and can rarely be collected at one interview or in a home where the abuser is present or nearby.

None of this expanded effort can be justified given the current legal status of domestic violence, particularly in states where it is treated primarily as a low-level misdemeanor. While history-taking should be a routine part of any domestic violence investigation, it is unlikely to become standard procedure until coercive control attains the status of a new 'course of conduct' crime with sanctions appropriate to the rights and liberties that are jeopardized. With a new Class A felony in hand, the resources can be made available to determine if a victims with little or no physical signs of abuse are virtual hostage in her home who require the same level of aggressive interdiction evoked by a suspected kidnapping. A number of countries have taken steps in this direction, either by adding "coercive control" explicitly to their government's definition of abuse (England, e.g.) or identifying a "pattern" of abuse (Spain) or elements of coercive control such as "economic violence," isolation or psychological abuse to their criminal statutes (Scotland, Turkey, etc.

Adapting a coercive control model also shifts how we respond when women assault or kill their abusers, even when they are not under a direct attack. Set against the abuser's attempts to quash a woman's freedom, dignity and autonomy, her retaliatory violence can be reframed as a liberatory response to progressive entrapment similar to the response we would expect from a man who had been subjected to a similar regime of coercion and control. Indeed, given the fact that the harm inflicted on women by coercive control is hard to appreciate unless we grant them full status as persons, it is often helpful if police ask 'how would we expect a man to react if someone took his money, forced him to undergo sexual inspection and repeatedly insulted his dignity by ordering him about like a child?'

As I write, the current iteration of the Violence Against Women Act is stalled in Congress, reflecting a backlash against domestic violence law enforcement. It may be a decade or more

before the legal framework that guides domestic violence policing in the U.S.is broadened to encompass the elements of coercive control. In the interim, it is imperative that we introduce professional education about coercive control into the curriculum for new recruits as well as established officers. Even if we cannot yet charge offenders with a single crime that encompasses the scope of their oppression, police can charge offenders with many of the tactics used in coercive control, including forced sex, witness intimidation, harassment, terroristic threats and binding or other forms of 'imprisonment. There is nothing radical about holding abusers accountable for these crimes since they are routinely treated as crimes when committed against strangers or in public settings, including the workplace. Even if the evidence to support such charges may be difficult to garner given the relative dearth of resources committed to policing domestic violence, the presentation of complaints enumerating these offenses will help educate other law enforcement and legal actors as well as the public at large.

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