ARE THERE SIGNIFICANT DIFFERENCES BETWEEN MILITARY AND CIVILIAN DYADS AFFECTED BY INTIMATE PARTNER VIOLENCE?: A MIXED METHODS COMPARATIVE STUDY

A THESIS SUBMITTED TO THE GRADUATE DIVISION OF THE UNIVERSITY OF HAWAI'I IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

IN

SOCIOLOGY

DECEMBER 2007

by

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For my mothers – Shirley, Jeanet, and Jean –
For Larry and Colin –
For my father.

And, especially, for Karen, Akemi, Bridget, and Connie, who shared their pain, fear, strength and hope with me when hope was all there was.

Acknowledgments

No scholar ever arrives at graduate school or completes a thesis project without the support and encouragement of other people – years and years of support and encouragement from an entire community of family, friends, and teachers. Thanks are due and gratefully given to all of you, though here I only enumerate those whose support was most immediately necessary to this project.

To begin with, Chris Hacskaylo became my friend over lunch one day when I was temping downtown and she was looking for a new job, and in a very short time convinced me that I really could do this. I thank her for pushing me to act on this dream sooner, rather than wait for the end of my husband’s Navy career. Kathy Ferguson, Ph.D., my first friend in Hawai’i who wasn’t issued by the Navy, gave me more good advice, introduced me to the College of Social Sciences, and welcomed me to her feminist research methods class, where my research proposal took final shape.

Meda Chesney-Lind, Ph.D., finally agreed to meet with me that first semester and then generously agreed to lead my committee. Her good advice and patience, about
surviving in the university and about my thesis, have been invaluable. Thank you for not avoiding me! Valli Kalei Kanuha, Ph.D., also agreed to serve on my committee, taught a superb course on gender violence with Kata Issari, and encouraged my son, who accompanied me to class because of scheduling complexities, to participate rather than merely listen that summer. We learned so much, and very much appreciate your acceptance. William D. Wood, Ph.D., first introduced me to social research methods and discussed my earliest attempts at a research proposal with great patience. I have tried to follow his very good advice to begin with a smaller project and graduate before tackling improving the world, though I suspect he would say this project is still too big. Thank you for agreeing to serve on my committee and for checking often on my progress. I have been fortunate to work with all of you.

Janet Tanaka kept me supplied with forms, formats, and information necessary to graduating from the University. She is always cheerful, interested, and helpful. With her generosity of spirit, she made the department a much more pleasant place to be.

My professors and peers in the Department of Sociology were a joy. I was blessed with the support and friendship of many of my peers – Yasuko Urano, Ayano Yamaguchi, Quincy Edwards, Quamrun Nahar, Arlie Tagayuna, Diki Dopta, Tina Tauasosi, Alexandra Springer, Eunice Leung, and, especially, Asha Rathina Pandi and Rhoda Kaluai. My thanks for your companionship, scholarly discussions, and sharing of meals, customs, and movies. And, Asha – especially for reading an early draft of this paper!

Jennifer Rose and Irene Vasey at the Domestic Violence Clearinghouse and Legal Hotline hired me to do paralegal work – this was serendipity. I was looking for litigation
experience and got far more. I will never forget that DVCLH gave me the opportunity to learn all that I could and to do far more than prepare papers for court cases. To the attorneys who taught me the law – especially Jennifer Rose, Linda Shubeck, and Shawna Sodersten – the advocates who taught me to understand the dynamics of domestic violence – especially Cindy Spencer, Jill, Julian, Joan, Jo, and Ellen – and my clients – especially Akemi, Bridget, Karen, and Connie – I am most grateful.

The clerks in the file room at the First Circuit Court were most cooperative; they cheerfully fetched hundreds of files for me, neatly arranged in boxes, and created a workable system so that I could quickly get through those hundreds of files. Without their help, and interest in my project, I’d still be there, asking for three files at a time. Thank you to Dawna, Loretta, Grace, Sabina, Trisha, Michele, Lovina, Mary Ann, Dale, Ulu, Jane, Lorraine, Maxi, and their supervisor, Bea.

New friends, too, have had a hand in enabling me to finish: LTC Robb Jefferson gave me “administrative time” to work on my thesis at the end of many work days in August and sent me home early on Fridays to work on it as well. He has shared his experiences as part of the Army’s Domestic Violence Task Force and as a Judge Advocate General attorney working with both perpetrators and victims. MAJ Joel Novak, CPT Daniel McAuliffe and MSG Michele Kelley have also shared their thoughts and experiences. We may not entirely agree about what it all means, but the discussions have always been helpful.

My family has been most supportive of this endeavor, especially my husband, Larry, and my son, Colin, who have been most affected by the constant demands of
graduate school and my research. They are due many thanks for taking over the vast majority of the tasks of running our household so that I could study, and for accepting my frequent unavailability these past few years. Colin has been indispensable; he finished high school in Hamilton library and my graduate office so I could stay on campus to study and still monitor his lessons, accompanied me to late classes, carried my books when I was recovering from surgery so that I could continue to go to classes, and volunteered to help me collect data from those hundreds of files at court. He is a very good research assistant, thorough and quick at finding and recording the data we were after, despite the difficulty of reading through these files, and the long months in the file room. Larry, always wonderful, endlessly patient, generously made room for this project, listened to my ramblings – and rants – with patience and good humor, did without my company at too many military social events, and insisted on being present for my defense. I’ve been blessed by his support for nearly 30 years.

My father wants to know when I’m going to get a doctorate.
ABSTRACT

Domestic violence advocates frequently make claims that military intimate partner relationships are twice to five times more violent than civilian intimate partner relationships. This study uses a population of Circuit Court temporary restraining order files (TRO), and related civil and criminal cases, to examine this claim, as well as to determine the proportion of filed temporary restraining order petitions that involve intimate partners, both civilian dyads and military-related dyads. Military-related dyads were represented in the TRO files in proportion to the military-related population, suggesting these intimate partners are no more violent than civilian ones. Comparison of petitioners' allegations found military-related and civilian cases to be more similar than not. Two-thirds of TRO petitions filed involved intimate partner relationships.
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CHAPTER 1
INTRODUCTION AND REVIEW OF THE LITERATURE

“We have come to know that every individual lives, from one generation to the next, in some society; that he [or she] lives out a biography, and that he [or she] lives it out within some historical sequence. By the fact of his [or her] living he [or she] contributes, however minutely, to the shaping of this society and to the course of its history, even as he [or she] is made by society and by its historical push and shove.” (Mills 1959: 41)

Personal Troubles, Public Issues, Violence Against Women, and the Policy Response

Violence against women by their intimate partners (the context of the overwhelming majority of violence between persons who are married, cohabiting or dating2) is a serious social problem with deep roots in the norms of society, the institutions of marriage and the family, the gender roles prescribed for women and men, and the expectations about love, romance and family life transmitted within the family – and influenced by other social institutions – from one generation to the next. It has been regarded as a private issue of the family in Western cultures (as well as in most others) until recent decades when feminist activists, beginning with the women’s movement of the 1960s and the 1970s battered women’s movement at last began to be successful in

1 Gender references (i.e., pronouns) are updated in all quotes from Mills and other authors throughout this paper where male pronouns are used to refer to both women and men.

2 A word about words: In this paper, the use of feminine pronouns to refer to victims and survivors, and of masculine pronouns to refer to abusers, is an acknowledgment of the reality that the overwhelming majority of victims and survivors are women and the overwhelming majority of abusers/batterers are men. This does not deny that some men are also abused or that women are capable of being violent. It simply comports with reality. The terms “domestic violence,” “intimate partner violence,” and “violence against women” are all used; these terms are nearly synonymous in the literature, though “domestic violence” is often used to encompass elder abuse and child abuse within the family – and even includes other household members in some contexts. “Domestic violence” is synonymous, as well, with the term “family violence.” These terms, excepting “violence against women,” are gender-neutral and thus fail to acknowledge the gendered nature of this social issue.
Redefining it as a public issue requiring intervention by the police, courts, social workers, and other institutions.³

In “The Sociological Imagination,” Mills discusses how the “personal troubles of milieu” that bedevil the individual are also to be considered “public issues of social structure,” fit matter for sociological investigation, and requiring the crafting of public policies to ameliorate the social effects of the mass of similar personal troubles that are owed to the structure of social institutions. “Troubles occur within the character of the individual and within the range of his [or her] immediate relations with others . . .” (Mills 1959: 8). Troubles are in the realm of the personal and private, regarded as unfortunate for the individual experiencing them but not deserving public intervention. The affairs of the family, a social institution, are held to be private, and until recently, this included violence towards women and children within the family, whether physical or psychological/emotional. In the family hierarchy, men were entitled to women’s services and to control their behavior and access to the world outside the home. A man’s violence towards a sweetheart or wife, no longer entirely acceptable, had been construed as private, something that may be hidden, a private trouble off limits to public scrutiny and intervention; it is still so regarded by many men and women, despite the tension between norms of peaceful family life and men’s violent enforcement of their power and perceived privileges within the family institution.

³ See Dobash and Dobash, 1979; Ptacek, 1999; Farney and Valente, 2003; and Yalom, 2001 among many others for a thorough discussion of the history of the social roles of women and men and the family, of violence against women within the family, and of the feminist movements seeking to bring men’s abusive control of women out of the privacy of the family and into the public sphere.
"A trouble is a private matter: Values cherished by an individual are felt by him [or her] to be threatened" (Mills 1959: 8). The violence within the intimate relationship threatens the idea of the home as a safe haven, of the intimate relationship as a loving and nurturing bond. The difficulty individual women face in obtaining effective aid to create a safe environment for themselves and their children, as stated by Dobash and Dobash (1979: 7), is this persistent belief "in the sanctity of the family [that is] closely associated with belief in personal privacy and with the rejection of outside intervention in family affairs... The cult of domesticity and beliefs in family harmony and bliss [make] the idea of outside intervention in domestic affairs seem a needless violation of the sanctity and privacy of the home." National studies have found this violence to be disturbingly common, though, so that it cannot be regarded as an aberration, an uncommon occurrence involving few families – a private trouble.

"Issues... have to do with the organization of many [individuals'] milieu with the organization of a historical society as a whole, with the ways in which various milieu overlap and interpenetrate to form the larger structure of social and historical life. An issue is a public matter. Some value cherished by the public is felt to be threatened..." (Mills 1959: 8). Mills goes on to illustrate his point with several examples, the most relevant to this study being marriage. "Consider marriage. Inside a marriage a man and a woman may experience personal troubles, but when the divorce rate during the first four years of marriage is 250 out of every 1,000 attempts, this is an indication of a structural issue having to do with the institutions of marriage and the family and other institutions.

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* For example, Tjaden and Thoennes, 2000a and 200b; and, Durose, et al., 2005.
that bear upon them”(pp. 8-9). Violence against women, as a common occurrence, is not solely a personal trouble; it is a public matter, an issue for public policy and the making of laws, the subject of a social movement pressing for change in the opportunities and expectations for women and men, and the construction of egalitarian families and other social institutions. This violence is structural: “Society has provided domain assumptions about women, gender, and the nature of the family that allow for and even encourage violence against women in the home. Violence in the family is tolerated and has been viewed as a private matter rather than as a crime. Victims have been blamed for their victimization, and violence is trivialized by powerful stereotypes that depict battering as minor violence . . . provoked by nagging wives” (Eigenberg 2001: 2). Evan Stark (1996: 120-121), discussing battering as a social phenomenon, wrote:

... violence against women is a political fact. This means that everything about it — when, how, why, and where it is used, whom it affects, the nature of intervention, and most important, the consequences of intervention for all involved — reflects the relative power of men over women and the struggles by particular men to assert and women to escape this power . . . Because of its roots in sexual inequality, whatever occasions violence in a given encounter, the ultimate cause of ‘battering’ . . . is a denial of women’s civil rights . . . What distinguishes violence that exploits structural inequality between men and women from acts of violence generally is neither the greater physical strength of men nor their greater propensity to aggress . . . its distinctive character derives from how the convergent supports for male authority ‘enter’ an actual conflict and merge with the batterer’s pattern of control during and after a conflict arises, regardless of who initiates physical violence, particularly if women try to leave the relationship or seek outside help.

The struggle is, and has been, over the definition of battering and controlling behaviors within intimate partner relationships as criminal, public acts, and how these are “organizationally defined, processed, and treated” (Kitsuse and Cicourel 1963: 135) by police, prosecutors, judges, and others — how they construct and account for the “official rate” for these behaviors. The definition and the construction of the statistical measure
affects the perception of the behaviors as “normal” or “deviant,” as excusable or not, the community response to them, who is understood to commit these crimes and who is actually arrested, charged, convicted. The organizationally accepted definition and the method of accounting (producing official statistics) is also related to “how acts are officially or unofficially defined as deviant” and whether they are held to be “generated by such conditions as family organization, role inconsistencies or situational ‘pressures’” (Kitsuse and Cicourel 1963: 135).

Since intimate partner violence had been considered a private trouble, police rarely arrested perpetrators and prosecutors rarely pursued convictions. Activists worked for laws that required police to arrest a perpetrator of intimate partner violence (IPV) whenever they had probable cause – “mandatory arrest” – and prosecutors to pursue convictions in most of the cases that reach them – “no drop” policy (Buzawa and Buzawa, 2003; Iovanni and Miller 2001; Zorza 1992). More cases in court did not necessarily result in convictions, however, so activists sought remedies in civil court, as well. “Because arrest, prosecution, and sentencing were rare events, civil court remedies permitted victims to circumvent the criminal process, yet still obtain some relief or have an additional remedy at their disposal” (Iovanni and Miller 2001: 313). Civil protective orders (CPO) against violent intimate partners had been available only to married women, and then only within the context of divorces or legal separations, prior to the legal system reforms of the 1970s (Fagan 1996; Iovanni and Miller 2001; Zorza 1992). The orders were not available in most states, were only issued for short periods, and had no criminal enforcement (Zorza 1992). Prior to the criminalization of domestic violence in the 1970s,
"When protective or restraining orders were available, their enforcement was weak, the penalties for violations were minor, and they were not available on an emergency basis. Reforms in protective and restraining order legislation enabled emergency, *ex parte* relief that included not only no contact provisions but also economic and other tangible reliefs for battered women" (Fagan 1996: 3). The goal of the reforms was "... to increase the certainty and severity of legal responses, thereby correcting historical, legal, and moral disparities in the legal protections" (Fagan 1996: 3-4) afforded to women in abusive intimate relationships.

Ensuring women's access to the courts required innovative legislation that allowed victims to demand protection from their abusers in the civil courts, without filing for divorce, waiting for police to arrest their abusers, or for prosecutors to file criminal charges. The innovations included giving judges flexibility to grant multiple forms of relief, in addition to no contact orders. The protections of CPO have in recent years been extended to cohabiting and dating partners in many states (Buzawa and Buzawa 2003; Farney and Valente 2003). A recent article by Andrea C. Farney and Roberta L. Valente (2003: 38-39) advocating changes in judicial practices discusses the features and purposes of the CPO and problems in the courts' response to intimate partner violence:

Today, every state integrates the separate criminal and family law facets of domestic violence into the civil form of relief known generically as a 'civil protection order' or CPO. This 'grandmother of domestic violence law' is a revolutionary historical phenomenon initially adopted in Pennsylvania in 1976. The essential features of protection order codes now include the identification of a perpetrator and a victim through a fact-finding process and the provision of remedies available to the identified victims. These remedies include exclusive possession of the home, no-contact and cessation of abuse provisions, custody relief, spousal and child support, and restitution.

The civil legal process gives battered women the capacity to initiate legal action against the abuser, rather than waiting for the state to act on her behalf. A victim-directed and expedited process, the civil law CPO gives courts the broad judicial discretion that...
characterizes family law, allowing for individually tailored and comprehensive awards of civil, economic, and anti-violence relief to support a battered woman's independence. The CPO process in the family law context allows for flexible duration of orders, often covering intimate relationships that go beyond the marital relationship, and gives judges the discretion to craft additional relief and coverage based on the specific facts of each individual case. The theoretical triumph of the CPO cause of action, however, is too often undercut by the assumptions that dominate the family law context.

The intersection of the social institutions of the family and the legal system is complicated by social norms holding the family to be a private institution and a haven for its members, norms that are contradicted by the presence of violence against women within the family that would be regarded as criminal if committed against persons outside the family. This complexity posed a challenge to the development of legal remedies for battered women and sanctions for their abusers. Addressing the instrumental, strategic character of batterers' physical violence and psychological control, their shifting of responsibility for their actions to their victims, and their justifications for their acts requires adoption of the assumptions that all family members have a right not to be abused and that society has responsibility to punish abusers' behavior and prevent further harm to victims. In implementing these assumptions, activists, lawmakers and other policy makers had to decide whether to intervene under criminal law or family law, since many, but not all, of the abusive, controlling acts committed against intimate partners are considered criminal in other contexts but occur in the context of the family—a context in which intimate partners are expected to cooperate in managing the relationship, including ending it amicably (Farney and Valente 2003).

Farney and Valente hold that family law assumptions are diametrically opposed to domestic violence law assumptions. Domestic violence law assumptions have the goals of obtaining safety, agency, restoration, and justice for victims; family law assumptions...
have the goals of preserving and stabilizing the family, and encouraging cooperative problem solving. This emphasis on the preservation of the family and of parenting access puts the Family Court's traditional goals at cross-purposes with women's need to be safe, to ensure their children are safe, to end the abuser's ability to control them, to be able to live independently with their children and not to fall into poverty as a consequence of escaping abuse. The family law assumptions mean that abusers' controlling and criminal acts within the family context are not regarded as equivalent to the same acts performed against persons outside the family - within the family, these acts and words are regarded as somehow less serious, less deserving of public intervention, and, when responded to, are still frequently treated with leniency and exhortations to 'go and sin no more' (Farney and Valente 2003; Iovanni and Miller 2001; Buzawa and Buzawa 2003).

Despite the difficulties in obtaining protection orders that comprehensively address victim safety and hold offenders accountable, and of having these effectively enforced, women have generally found them to be empowering. Such orders document the abuse, expose the abuser to the community's disapproval of battering, increase the likelihood that an abuser will be arrested and convicted, connect victims/survivors to community networks and resources, and begin to shift the balance of power in the relationship (Iovanni and Miller 2001; Buzawa and Buzawa 2003; Stark 1996). The empowering effects of CPO were found to increase with time. Survivors seek extensions of their current orders, and obtain new orders, despite their experience that abusive acts continue while the orders are in place (Iovanni and Miller 2001).
Weaknesses researchers have found are common in the states’ CPO processes included overly restrictive eligibility requirements for protection orders, requiring filing fees from victims, lack of provisions for issuing emergency orders outside regular court hours, vulnerability of victims during service of orders on respondents, lack of attorney representation for victims, increased likelihood of victims not obtaining protection orders when unrepresented, protection orders that do not adequately address victim safety, child custody and restrictions on visitation, support, restitution, and intervention services addressing the offender’s behaviors (Iovanni and Miller 2001). Judicial behavior is also an issue. “Although judges today are much more willing to grant restraining orders, they are not as willing to severely punish those offenders who violate orders, and they continue to demonstrate insensitivity to the needs of victims of domestic violence” (Iovanni and Miller 2001: 318). Judges and other court personnel have been observed to be openly hostile to battered women. “Moreover, some judges continue to underestimate the seriousness of abuse and the potential danger for the victim, finding it difficult to think of domestic violence as a real crime worthy of their attention.” (Iovanni and Miller 2001: 318). Judges also tend to grant rather less relief than is legally available to women, thereby limiting the usefulness of their orders. Court and police procedures may be confusing to victims or difficult for them to comply with, such as procedures that require victims (rather than court clerks) to notify police departments of their orders and to hand deliver the orders to the police for service (Buzawa and Buzawa 2003).

The women’s movement has succeeded in making this “trouble” into an “issue”; the next step is to craft effective public policies to address the issue – public policies that
are more effective than those in place now in protecting victims and holding offenders accountable for their choices.

**Previous Research in Hawai'i**

The Hawai'i Legislature added §709-906, Abuse of a Family or Household Member (AFHM) to the Hawai'i Revised Statutes (HRS) (Act 189, Session Laws 1973) to protect "a spouse from being physically abused by the other spouse" (HRS 709-906 Annotations). Only three men were convicted under this statute from 1973 to 1979; a mandatory 48-hour jail sentence was added in 1985 (LWV 1996). Restraining orders for protection from abuse and harassment by a current or former family or household member were added to jurisdiction of the Family Courts in 1979 (Vasey 1992). The statute has been regularly amended in the years since, expanding coverage to all intimate partner relationships, whether or not the partners are currently or have ever lived together, allowing others to petition on behalf of a child or incapacitated adult, addressing temporary custody of minor children and visitation, control of the residence, preventing harassment of other family or household members, preventing contact at home and work or through third parties unauthorized in the order, extending the length of time an order could last, and addressing various issues of due process, arrest for probable cause, and making orders available to the police (Vasey 1992). From 1979 through 1986, restraining orders were not available to victims not related to or living with their abuser, i.e., dating partners were not covered; in 1986, these victims were able to file petitions in the District Courts (1986 Session Laws, HRS 604-10.5). All intimate partner relationships
(including dating relationships), whether petitioners were currently living with the respondent or had ever lived with the respondent, were brought into the Family Court in 2000.

Most previous studies of domestic violence in Hawai‘i were conducted regarding the handling of criminal charges for spousal abuse under HRS § 709-906. The earliest study of domestic violence on O‘ahu was conducted by the O‘ahu Spouse Abuse Task Force in 1986 (LWV 1996), the year after the Hawai‘i Legislature authorized the mandatory term in jail for AFHM convictions. The Hawai‘i State Commission on the Status of Women (1993) estimated that approximately 50,000 women between the ages of 15 and 64 were victims of intimate partner abuse and noted that many offenders were also abusers of illicit drugs and alcohol. State Department of Health (1995) research into injury prevention followed, with findings that many emergency room visits and hospitalizations were for injuries women sustained at the hands of their partners, many of the hospitalized women were pregnant, and that incidents were underreported to the police.

The League of Women Voters of Honolulu and the Hawai‘i State Commission on the Status of Women joined forces in 1996 to examine enforcement of Hawai‘i’s domestic violence laws (LWV 1996). In this study, volunteers attended Family Court domestic violence criminal hearings regarding violations of HRS §709-906 from March 1 - May 31, 1996, collecting data (but no demographic data) for 953 cases involving 787 individuals. Findings included that most offenders charged with AFHM served only the mandatory 48 hours in jail and their noncompliance with probation and treatment
requirements was treated with leniency; most defendants pled guilty or no contest to lesser charges; and, victims were reluctant to participate in trials. The plea bargaining that resulted in lesser charges was held to obscure offenders’ harm to their intimate partners and the context of their acts. “The Court Monitoring data suggest that our community does not understand the rationale behind HRS Section 709-906” (LWV 1996: Summary).

The State Department of Health Community Health Nursing Division and the Queen Emma Foundation developed a cultural model for domestic violence in Native Hawaiian families (Identifying Family Violence: A Community Prototype Incorporating Native Hawaiian Values and Practices, undated).

The Domestic Violence Clearinghouse and Legal Hotline (DVCLH) examined the policies and procedures of the First Circuit Court related to the restraining order process in 1992, using a survey sample of petitioners (n=25) and key informant interviews with Family Court clerks, judges, and administrators. Recommendations focused on improvements in 1) resources allotted to the Family Court’s Adult Services Branch (ASB), 2) information for victims about domestic violence, community resources, the court’s procedures, and available remedies, 3) enforcement of the court’s orders, and, 5) training for court personnel. The study also strongly recommended the addition of advocacy services for victims during the process of obtaining a restraining order.

A further study of restraining orders in the City and County of Honolulu, including those granted by the District Courts, was conducted by the School of Social Work at the University of Hawai‘i in partnership with the Department of the Attorney
General (Ross and Kanuha 1999). Using case files from the Family Court of the First Circuit and each of the District Courts, and related information from police reports, the Prosecuting Attorney's information management system, and the Department of the Attorney General's offender database, researchers examined a 50% sample of restraining order cases filed between July 1 and December 31, 1996. The final sample consisted of 397 Family Court and 233 District Court cases, plus information about arrests and convictions of respondents. Findings included that petitioners in both Family Court and District Court were likely to be women, but women in Family Court tended to also be petitioning on behalf of their children, to be married to or cohabiting with the respondent. Defendants in both courts were likely to be men. Both petitioners and respondents tended to appear without legal representation. Petitions in both courts tended to include allegations of both physical abuse and threats, but Family Court petitions were more likely to also include allegations of child abuse and property destruction. All Family Court petitions were granted as were 88% of District Court petitions. The majority of Family Court TROs (71%) were extended into permanent Orders for Protection, while 56% of District Court TROs were extended. A higher percentage of District Court Orders for Protection were for the maximum duration of 36 months (77% vs. 44% for Family Court). Half of Family Court respondents and 18% of District Court respondents were concurrently involved as defendants in criminal cases in which the petitioner was the complaining witness (or "victim"). Violations of the TROs were common and half of all respondents were charged for their first violation of a restraining order by the end of the study period. Recommendations included 1: requiring consistency of policies,
procedures, and language across restraining order documents, 2) provision of advocates and court services at both Family and District Courts, 3) improvements in training of judges and in policies and procedures, particularly those related to batterer intervention, management of District Court cases, and custody and visitation of children, 4) consistent sentencing for violations of restraining orders and other criminal acts of respondents, and 5) developing a coordinated community response. Better collection of better demographic and background information about both petitioners and respondents was urged, to aid both the court and community researchers in developing effective programs, and to enable researchers to determine whether restraining orders are effective.

The League of Women Voters issued its second study report in 1998 (Victim Safety in Hawai‘i). Interviews were conducted with victims and advocates regarding the efficacy of the community response to this social problem. The LWV concluded that a truly coordinated community response was required for victim safety and that “the family violence council must bring together responsible representatives of public agencies, the court system, service providers, and advocates who have the will and authority to make changes” (LWV 1998: 24). Recommendations echoed those made in previous studies and added 1) requiring lethality assessments for victims to determine whether a restraining order would help or hurt them, 2) ending agency policies requiring victims to obtain restraining orders, 3) locating advocates at the courts to provide services and information to victims, 4) refusing TROs to abusers, 5) ensuring advocates can accurately distinguish between victims and abusers posing as victims, 6) improving service rates for
TROs, and 7) improvement and standardization of batterer intervention and treatment programs, based on best practices from the research (L WV 1998).

The current study expands on and differs from these studies in that it consists of every restraining order case filed in the Family Court between 1 January and 30 June 2004. (All intimate partner relationships are heard in the Family Court.) Each of these cases was examined to determine the relationship between the petitioner and the respondent, then complete information was taken from all cases determined to be between intimate partners. Information about petitioners and respondents includes their military status, demographics and other personal information, children, allegations of abuse, outcome of hearings, and related civil and criminal court cases for both parties. Chapter 2 fully describes the study method.

**Intimate Partner Violence and the Military**

Domestic violence advocates have claimed that military training makes men more violent. This is an essentialist claim that forgets that the men who join the military were mostly raised in civilian families in the general society, where they were initially socialized. “Prior to their [military] service, potential recruits are exposed to a number of information sources that form part of their occupational pre-socialization to the military and the particular kind of masculinity generated within it” (Higate 2003a: 15). These information sources include ideas and images about the military, about violent conflict and the ideal warrior, about women, about masculinity, about gender roles and the family. Men (and women) who join the military do not come there as tabula rasa. They come
with images and expectations formed by the wider society. “Masculinity in the infantry is a variation of the near hegemonic masculinity in Western industrialized societies. Its construction and routine maintenance require an intensification of a number of attributes (for example, aggression, risk taking, and heterosexuality) dominant in the wider civilian society” (Higate 2003a: 24). The military’s resocialization of young men is accomplished with society’s tools; the culture has already prepared young men to be aggressive, to define masculinity in opposition to femininity, to define femininity as weak, passive, inferior, to fear being equated with women, to relate to women in terms of “masculine virility” and potency, to value the image of the warrior and desire to be considered one. “Military experience . . . produces broad tendencies in values, beliefs, attitudes, and actions that members of the military may carry over into civilian life” (Higate 2003b: 34).

Further, military members return to the general society after a few years (or a couple of decades), with a gendered socialization that required constant reinforcement to maintain even while in the military. This does not mean that military men are not violent outside of their training milieu; many are. Nor does it argue that the military does not have a problem with domestic violence; it does. The issue is whether men (and women) in the military are very much more violent in their intimate relationships than civilian men (and women) – and the answer to that may very much depend on separating the experiences and socialization of combat units from support units, examining the differences in the service cultures, and comparing these to cultural milieux in civilian work settings such as corporations, universities, and governments, in terms of attitudes towards women, incidence and prevalence of actual violence and controlling tactics used against women.
"The nexus that links "military" with "misogyny" is far from unique . . ." (Higate 2003b: 37). Higate found that corporate organizations were even more hypermasculine than the military support units he had studied.

If there is even twice as much intimate partner violence in military-related\(^5\) relationships, let alone five times as much, it should be evident from determining the proportion of the population in an area who are military members and their spouses, cohabitating and dating partners (most of whom are civilians) and comparing this with the proportion of cases in local court records for temporary restraining orders, orders for protection, and related civil and criminal cases that involve military-related persons, and comparing these with the proportion of such cases that involve civilians. If there truly is so much more violence, then military-related cases (defined as those in which at least one party is a military member) will appear in the court records in a significantly higher number than the military-related population’s presence in the general population. My contention is that intimate partner violence is no more common in the military-related population than in the civilian population, precisely because all of these people come from the same society and possess similar social norms regarding gender and family roles, men’s privileges, and women’s subordinate position.

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\(^5\) "Military-related" refers to active duty military members and their family members (spouses and children) and to dating partners.
How many of the reported cases of domestic violence in the City and County of Honolulu are of violence between intimate partners?

Each year on O'ahu, thousands of incidents of intimate partner violence are reported to the Honolulu Police Department (HPD) and processed through the courts of the First Circuit. In 2004 there were 2416 reports of Abuse of Family or Household Member (AFHM) (State of Hawai'i 2005: 3), 2,688 petitions filed for temporary restraining orders (TRO) (Ibid.: 5), and 996 arrests for violations of restraining orders in the City and County of Honolulu (Ibid.: 6). These reports, arrests and court cases involved both civilians and active-duty military members and their families.

For this study, those reports, arrests and court cases involving active-duty military members and their family members (spouses and children) are termed "military-related" owing to this connection of either the perpetrator or the victim to the military. Reports, arrests and court cases not involving military-related persons are termed "civilian." One purpose of this study is to compare cases of domestic violence occurring between civilian and military-related intimate partners – those who are married, have been married to each other but are now divorced, those who live together in intimate relationships (i.e., cohabiting, not just roommates) or have lived together in this way, those who have children in common, and those who are in or have had dating relationships. Domestic violence incidents involving child abuse or abuse of parents are not included in the scope of this study. The State of Hawai'i collects domestic-violence statistics that do not

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6 "Domestic violence" is defined for legal purposes in Hawai'i in HRS § 586-1. The term is used interchangeably in the literature for intimate partner violence, spouse abuse, family violence, wife abuse, woman battering – but also often includes child abuse and elder abuse. In this paper, I've tried to use it only where it means violence between family and household members who are not necessarily intimate partners, following the legal usage in Hawai'i.
distinguish between incidents between parents and young children, adult children and elderly parents, and intimate partners. (State of Hawai'i 2002, 2005) Another of the purposes of this study is to separate intimate-partner violence from the totals given for domestic violence in State statistical studies. These studies do not distinguish the very different dynamics and types of violence between family and household members, and so obscure the reality of women’s lives by subsuming intimate-partner violence within the category of “family” and the implicit assumptions 1) that all violence occurring within the family is similar, and 2) that all family members are equally responsible for the violence.

**How many of these incidents are military-related?**

A further aim of this study is to attempt to separate military-related incidents from civilian incidents. The importance of more specific identification of the proportion of military-related incidents that are handled by institutions outside of the military bases can be illustrated by quoting from just one of many military regulations regarding military families and social services provided to them by Family Service Centers (FSC). Chief of Naval Operations Instruction (OPNAVINST) 1754.1A, “Family Service Center Program,” states:

> It is the intent of the FSC program that Centers will not duplicate existing resources of good quality that are otherwise available to Navy personnel and their families. The FSC staff will establish and maintain a close cooperative relationship with existing community (military and civilian)

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7 This is the Navy term for these organizations – each military service has its own name and differing organizational plan for them. The general term is Military Family Resource Centers.
resources. Each FSC will provide comprehensive information and referral services concerning programs, services, volunteer opportunities, and resources available in both the military and civilian communities for single and married Navy members and their families.

FSCs are further directed to establish working agreements with service providers in surrounding communities. The military’s Family Advocacy Program (FAP) and Family Service Centers developed out of demands made for legal protections for abused women and children and for adequate social services on military bases (beyond crisis intervention) at family conferences organized by military wives’ groups and service organizations, beginning in 1978 and much influenced by the revival of the feminist movement (Bowen 1984). A 1979 General Accounting Office (GAO) study titled “Military Child Advocacy Programs – Victims of Neglect” resulted in the establishment of the DoD Family Advocacy Committee and Military Family Resource Centers in 1980. The resource centers support the family advocacy programs and the professionals working with military families and members to prevent and intervene in child and spouse abuse (Bowen 1984). However, as shown in the quote above, the Department of Defense (DoD) very much intends to rely on community resources wherever possible – and this has implications for the communities that host military bases. For example, the Family Service Centers are not staffed to handle all of the personal and family counseling for the assigned military population, and may not perform this counseling for more than short-term disturbances (DODI 1342.2, 1992, encl. 2); DoD assumes that military members and their families will have access to whatever community programs exist outside the bases.
Are military families more violent? Is the violence more severe?

Another issue this study addresses is the controversy over whether the military population is more violent than the civilian population. “There is limited research that indicates that military families are more violent than their civilian counterparts . . .” (USAF 1997, Ch. 6). A number of studies have made this claim. In 1995, a comparison of military couples to couples in a national probability sample found that 57% of the military couples were violent but only 16% of the civilian couples (Bohannon et al. 1995); a 1994 study found that 21% of military wives but only 3% of civilian wives required medical attention – this was 4% and .4% for military and civilian men respectively (Cantos et al. 1993); a 1999 study concluded that rates of mild violence were similar, but that military partners suffered from somewhat higher rates of moderate to severe physical violence (Heyman et al. 1999); a 2000 study found that military deployments increased the risk of “spousal aggression” by a small, but significant, amount (McCarroll et al. 2000a); a 1991 study found that more than half of the military engineers at the Presidio had engaged in severe physical violence against intimate partners and that weapons were used in 23% of these attacks (Freedman 1991); a 1987 study found that military men were four times as likely to choke their wives into unconsciousness (Shupe et al. 1987). In January 1999, an edition of “60 Minutes” aired with an analysis of Pentagon records about domestic violence in the military from 1992 through 1996, concluding that the level of domestic violence was five times that of the

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8 "Couples" obscures primary responsibility for the violence, holding both partners equally responsible for it and minimizes the victimization of women in intimate relationships.
civilian population and the military routinely did not prosecute or discipline military
members for domestic violence (Radutsky et al. 1999, cited in Hansen 2001 and Taylor
2002).

In its May 23, 1994 issue, *Time* magazine claimed that domestic violence
occurred in military families twice as often as in civilian families and that military service
was the cause of this difference, using its comparison of the Army’s Spouse Aggression
Prevention/Survey Project and the 1985 National Family Violence Survey. The Spouse
Aggression Prevention/Survey Project was a “needs assessment survey conducted by
Behavioral Science Associates (BSA) between 1990 and 1994 for 48 Army installations”
(Caliber 1996), with a different methodology and population from the 1985 National
Family Violence Survey. The Army Community and Family Support Center contracted
Behavioral Science Associates and Caliber Associates to see if a rigorous statistical
analysis of the two surveys supported *Time*’s claim. Their conclusion was that *Time*’s
analysis was methodologically faulty, particularly because the population in the Army
needs assessment survey was younger than the civilian population, predominantly male,
consisted only of married active duty members and was substantially more ethnically
diverse. When the Army and civilian samples had been standardized so their
demographic profiles were comparable, “... the husband-to-wife violence rates were
slightly (i.e., 2%-3%) but significantly higher in the standardized Army sample ... The
results demonstrate that, although the nonstandardized (i.e., raw) rates are substantially
higher in the U.S. Army than in the civilian population, such differences are mostly due to

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9 Data for the latter survey were collected by Richard Gelles, Ph.D. and K. Daniel O’Leary, Ph.D.
differences in race and age between the two populations” (Heyman and Neidig 1999: 241) and are not owing to a greater tendency towards violence in the Army population. Chi-square tests for statistical significance found these results to be significant, but perhaps not important, given the very large sample sizes of both surveys. No measure of effect size was reported; instead, the results were simply presented as percentage points of difference between the two standardized samples.

Christine Hansen, of the Miles Foundation (a domestic violence hotline and advocacy agency for military families), wrote in her article, “A Considerable Service,” that “[t]he Department of Defense contends that a comparative analysis of prevalence data between the military community and civilian society is inappropriate” (Hansen 2001: 2). She lists DoD’s reasons for this contention as “. . . differences in study designs; the demographics of the military; and the lack of information relative to intimate partner victimization by single service members” (Ibid.: 2, citing *Spouse Abuse in Military Families*, Department of Defense, Washington DC, and *The Final Report on the Study of Spousal Abuse in the Armed Forces*, Caliber Associates, 1996). The Air Force’s 20-year literature review points out issues with how to explain the claims for greater rates of intimate partner violence in the military. Differences in design of studies of intimate partner violence in civilian and military populations (as well as between military studies) make comparisons between them difficult and perhaps unreliable. The demographics of the military vary greatly from the civilian population, being younger, more ethnically diverse, and more male — groups that are at greater risk of intimate partner violence. Most of the few studies that have been done used small or unrepresentative military
samples. Treatment and shelter samples are no more representative of military families and intimate relationships than they are of civilian families and intimate relationships. Comparisons even of representative samples of civilian and military populations was done without first ensuring the samples were matched at least on demographics and socioeconomic variables. The military population is faced with challenges, including deployments, combat exposure, long hours, and constant relocation, that are theoretically linked to increased incidence of intimate partner violence (USAF 1997: Ch. 6).

Civilian researchers have also claimed that military training, particularly for combat troops, leads to violent behavior towards spouses; the military has done its own research that finds less effect from the training and more similarity with civilians in the same demographic groups (USAF ibid.). The controversy is closely linked to the general state of research in the domestic violence field; the same problems of definition, of studies that are either solely quantitative or solely qualitative, and measurements that fail to account for power differentials in relationships or the results and purpose of the violence, exist in both the military and the civilian research literature.

The research debate: a lively conversation

In its first report to Congress, the Domestic Violence Task Force, established to study how to improve the military's handling of domestic violence, concluded that:

"After 25 years of research on domestic violence, there are still many questions unanswered and essential issues unresolved. In a recent review of the literature on partner violence during the past 20 years, Jasinski and Williams (1998) note that there is not a consensus over such vital issues as definition and measurement of domestic violence; the role and definition of psychological abuse; identification of types of abusers; identification of degrees of severity; and differences and/or similarities concerning violence perpetrated by males and females. Perhaps most significantly, there is little
agreement concerning the causes of partner violence, how to prevent it, and what works to stop it... the great majority of studies addressing domestic violence in the military have focused on documenting the size, effects and characteristics of the problem. Studies on prevalence, rates of violence and variables associated with violence... are the norm" (DoD 2001, pp. 98-99).

The lack of consensus regarding the definition of domestic violence — and even what to call it — and of its causes are directly implicated in the controversy about the relative violence of military intimate partnerships. Jasinski and Williams’ literature review found over 700 empirical studies published between 1977 and 1997 (only a few addressing the military), including large quantitative studies and numerous clinical and shelter case studies. The majority of the studies employ samples that are considered unrepresentative by researchers in either the family violence perspective or by those in the feminist perspective, designs that are embroiled in methodological controversies over the sufficiency and scientific soundness of various quantitative and qualitative methods, measures for which the adequacy and validity of the scales is hotly debated (particularly the Conflict Tactics Scales), measure only the use of physical force (often without addressing the consequences and context of the violence), and use carefully gender neutral language (favored by the family systems/therapy camp), thereby obscuring the gendered dimensions of intimate partner violence. Differences in risk of intimate partner violence are also obscured. James Ptacek (1999: 39) wrote that “[i]t is the case both that battering is a core threat to women’s freedom and health generally in the United States and that poverty and racism increase women’s vulnerability to violence.” His survey of study abstracts found that most studies neglect to address related issues of class and race.
Addressing the debate, Zvi Eisikovits and Einat Peled (1990) argue that improving the current state of the research requires a change in paradigm. “Much of the reasoning behind family violence research is rooted in the positivistic paradigm . . . [in which] an assumption [is] made that the nature, meaning and boundaries of the phenomena are captured by [a few measures that are] expected to distinguish between the entire realities of abusive and nonabusive couples . . . [Quantitative measures assume] that if two or more persons fall on the same place along the scale, their experience of marital adjustment is expected to be similar” (Eisikovits et al. 1990: 2-3), though this likely does not adequately describe or explain the reality of either person’s experience.

Feminist research has tended to embrace qualitative methods, while arguing for the extensive revision of existing research practices, and even the abandonment of quantitative methods. An argument against this is made by Gondolf and Fisher (1988): 10

The field [wife abuse] has . . . relied extensively on clinical observations, qualitative interview studies, and polemical essays in shaping its concepts and interventions. While this basis provides a vivid portrayal of the nature of abuse and confronts us with the harsh reality of real people, it overlooks the scope and differentiation of abuse and women’s response to it. The more qualitative approach thus allows undocumented or untested generalizations to develop. The empirical . . . offers a context by which to weigh and sort one’s individual hunches and observations . . . the empirical base of statistics enables us to develop generalizations about a category of individuals. These generalizations are vital to formulating meaningful policy and effective programs that, by their very nature, must address large groups of people . . . [Many] statistics . . . attempt to move beyond descriptive bivariate analysis to a more explanatory multivariate analysis that suggest “why” as well as “what” is going on. In the process, patterns and associations are discovered that are not readily apparent in everyday observations . . . While statistical descriptions in themselves often blunt the experience and tragedy of wife abuse, they . . . also serve as a harsh reminder of its extent and severity.

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10 This quote is taken from Reinharz, 1999, p. 80.
At issue is the question of what the tasks of social science are. A sensible answer to this question comes from a realist stance towards social science research\textsuperscript{11} that holds that “understanding is the primary goal of the sciences . . . [and] requires appeal to causal mechanisms properly conceived as productive powers”\cite[p. 2]{Manicas2006} – while recognizing that the social world under study is an open system in which “while everything is caused, there is radical contingency” \cite[p. 3]{Manicas2006}, there is “both necessity and contingency” \cite[p. 23]{Manicas2006}. This makes of the positivist goal of prediction an impossibility on the order of – to use Dr. Manicas’ example – predicting where each fragment of a boulder careening down a mountainside will land. Rather, “the task of the social sciences is understanding how social mechanisms “structure,” but do not determine, outcomes” \cite[p. 4]{Manicas2006} to identify and understand the mechanisms in play rather than attempt to predict the results as applied to any one individual or event. In this view, “. . . persons are the critical causes of everything that occurs in the social world, the generative mechanisms are the actions of persons ‘working with materials at hand,’ and no further reduction is either possible or necessary . . . while we need to understand the social world as its members understand it, we need to go beyond this and to consider the adequacy of their understanding of their world. Since social process is the product of our activity, and since members may well misunderstand their world, social science is potentially emancipatory” \cite[p. 4]{Manicas2006}. Our goals must be 1) description, using both qualitative and quantitative methods; 2) understanding of the motives and beliefs of actors and a grasp of the causal

\textsuperscript{11} Manicas, 2006 and my class notes from Dr. Manicas’ graduate seminar on Contemporary Sociological Theory Spring 2004, University of Hawai‘i at Mānoa.
mechanisms at work in their social world and, 3) explanation - (a) of events, linking causes and agents with processes and structures; (b) of the genesis of social constructions, including beliefs and institutions; and, (c) of the sociology of knowledge, considering how the relevant social structures and processes have affected the ordering of motives and beliefs - a project which requires understanding.

The improvement of the research - and development of consensus - within the domestic violence community will require studies using both quantitative and qualitative methods, chosen and appropriately adapted in accord with the need to describe, understand and explain what is going on in intimate relationships between women and men, how these relationships are structured and understood in society, the way that power is distributed and used in these relationships, and the intersection of these with other social structures, such as families, law, government, religion, politics. Following Sandra Harding's discussion of feminist research, the improvement of research in the field requires studies that fully account for women's experiences, both separate from and within the "family," with attention to how this institution is produced and functions in society; studies that are explicit about the project of emancipatory social change and are accessible ("for" women rather than "for" researchers and academicians) -- and which account for the researcher's agency and beliefs (Harding 1987). This means asking the research questions in this study with the goal of making women's experiences explicitly visible, of centering their experiences and words describing their experiences in place of the discourse that makes of assault and other criminal actions occurring against women in the context of intimate relationships a private, "family" affair, less serious than the same
actions taken against any person outside that relationship. It means using the data analysis to seek to transform the discourse about such violence in the service of obtaining better collection and reporting of data by the state, to make explicit the incidence of such violence, to obtain better enforcement of laws on behalf of women, ending the official tolerance for and excusing of such violence when men commit it against wives and partners, and to continue to work for change in the socialization of children, men and women that removes the entitlement to dominance our society assumes must exist and must be male.

_The Researcher_

I came to this project hard on the heels of a three-year stint as a paralegal at a domestic violence advocacy and legal services agency on O'ahu. There I worked directly with victims and with the Family Court of the First Circuit. My clients were nearly all women, from nearly all the social categories enumerated by social researchers. They were U.S. citizens and immigrants, well off (a few) and poor (most), well educated and not, professionals and minimum wage workers and students, from all of Hawai‘i’s race/ethnicity groups (Hawaiian and other Pacific Islanders, Asians (mostly Japanese, Filipina, and Chinese), White (both American and European), Black, Filipina, Hapa), most were mothers – and some were military members or the spouses or girlfriends of military members, Army, Navy, Air Force and Marines. Since I was also the spouse of an active duty military member and so had some familiarity with how the military bureaucracy works, I was given a large share of the military cases. It was in working with
these women that I first came across the idea that military intimate partner relationships were more violent than their civilian counterparts, and that the training of men for war made them more likely to be violent in their family relationships. The article most often cited was Christine Hansens' "A Considerable Service: An Advocate's Introduction to Domestic Violence and the Military," in which this claim is made and supported with a long string of citations to studies and reports.

At the time, I was living in military family housing (not for the first time). My neighbors were all young couples, most with children, most junior enlisted, nearly all from somewhere else (meaning their family networks were at least an ocean away), of mixed ethnicity, though the majority was white. I had served recently as a Navy Family Ombudsman (an advocate for the family members of a command's assigned personnel) and would do so again during this study. I had worked in several Navy commands as a civilian. If military men were twice to five times more violent than their civilian counterparts, I should have seen or heard about, or dealt with intimate partner violence regularly in my neighborhood or in my husband's commands. So, I talked about this claim with friends and neighbors to get a sense of their experiences; however, their reactions were similar to mine. Still, I wondered whether my experience had been exceptional since I had mostly worked with the submariner community of the Navy. At the same time, I was frustrated with the command responses to my military clients' need for safety and to be believed, with their reluctance to use the tools at their command to prevent military members from continuing to control their victims, their failure to prosecute criminal actions against spouses, and the tendency for the Family Advocacy
Program’s (FAP) personnel to decide that no abuse had occurred or that it could not be substantiated despite clear evidence that it had – with the collusion of this institution with battering men. Too many times we were told that a psychologically controlling and periodically violent soldier, sailor, Marine or airman was a stellar performer, had a perfect record, and should not have his career endangered because he had “an argument” with his wife or girlfriend that “got a little out of hand.” Too many times, the woman (whether a civilian spouse or a military member) was regarded as hysterical, whiny, manipulative and vindictive by a chain of command that desperately wanted the entire matter to just go away, and was perhaps unnerved by the similarity of some of the acts she complained of to their own actions and attitudes towards wives and girlfriends.

There is a hoary, still current, perception of military wives as difficult, whiny, and burdensome to the military.

I decided to go to graduate school so that I could study the phenomenon of violence against women and the persistence of attitudes in persons of authority that enable and condone this violence despite the progressive changes in the laws of the community and the military’s regulations. How could the well-meaning men with whom I had worked in Navy commands not respond more positively and appropriately to women’s complaints of abuse? How could a “zero tolerance” policy for sexual harassment, child abuse and neglect, and domestic violence result in an FAP that could not see the pattern of coercive control and intermittent violence that is common in DV? How could judges order unsupervised visitation for men who had abused the children’s mothers in the presence (and hearing) of the children? How could they continue to order
unsupervised visitation for children who were terrified of their fathers? How could a prosecutor believe that a woman who had left an abusive man many times, whose last flight had been triggered by his injurious violence to their sons, who had been repeatedly beaten and thrown and seriously injured by a man the police were afraid to arrest, could simply have left him?

This study is a first, small step towards attempting to answer these questions, beginning with sorting out what is actually in the files at First Circuit Court.

RESEARCH QUESTIONS

1) How many of the petitions filed from 1 January to 31 June 2004 for temporary restraining orders at First Circuit Family Court are for violence in intimate-partner relationships?

2) How many of these petitions involved military-related petitioners and respondents?

3) Are there significant differences between civilian and military cases?

Study hypotheses are 1) that military-related petitioners and respondents are represented in the study population in the same proportion as active duty military members and their families are present in Oʻahu’s total resident population, and 2) that the contents of the petitions (qualitatively analyzed) of military-related petitioners are similar to those of civilian petitioners. If these hypotheses are true, then the study supports the conclusion that intimate-partner relationships involving military personnel are no more violent and no more likely to be violent than those involving civilians. If
they are false, there will be significant differences between the two populations and one
will be more violent and more likely to be violent than the other.
CHAPTER 2

STUDY METHODS

Committee on Human Studies Approval

This study was approved by the University of Hawai'i Committee on Human Studies on February 8, 2005, using the Expedited Review procedure. A copy of the approval and of the researcher’s certificate of completion for “The Protection of Human Research Subjects for Research Investigators” are attached at Appendix B.

Descriptive Study of Archival Data

This study is descriptive, conducted “primarily to describe what is going on or what exists” (Trochim 2002), inductive and non-experimental, using all temporary restraining order (TRO) cases filed in the First Circuit Court from January 1 to 30 June 2004 and related civil and criminal cases for each member of each dyad retrieved from the First Circuit Court’s public access database. The related cases cover a period from 1981 (the earliest date of a case retrieved from the public access database) through 31 October 2005. The related cases contain both a history of each dyad as they are involved with each other and with other people in various legal cases and the continuing violence of respondents following the restraining orders filed January 1 to 30 June 2004 (the “current restraining order”). Retrieval of related cases also aided in the collection of the

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demographic data that are missing in many TRO case files. All petitions filed with the Court are processed: they are denied, heard, granted, dismissed, extended, recorded.

These archival documents (Neuman 2004; Robson 2002) exist as evidence and legal record of a petitioner’s effort to obtain legal redress – protection from the respondent’s violence and to wrest a measure of control back from the respondent. Court files consist of original documents containing the descriptions of incidents of intimate partner violence in the words of the petitioner and, sometimes, the respondent, organized according to the processing needs of the court and the police bureaucracies. They are administrative records, assembled to document the processes of the court as cases are filed, heard, decided, or denied. This particular archive concerns the core processes of the court and the data in it is thus relatively complete as it addresses the court’s central concerns (Robson 2002). Since the court’s central concern in these files is to establish that there has been intimate partner violence meeting the requirements of the HRS § 586, the data address the research questions; however, they do not address them perfectly.

Petitioners varied greatly in their ability and willingness to provide vivid and detailed written allegations. The petition does not ask questions about consequences and context that would greatly enhance the data and their ability to illuminate the events of the petitioners’ relationships. Court and police documents also varied in their presence in the files, completeness when they were there, and agreement between persons completing them about what was important to include in them. Demographic information is not asked for on the petition form and is often missing from police service documents, other court forms, and related court case files. An archival document is “... not structured
with the needs of the observer in mind; it will in general be a document with a purpose. And that purpose is important in understanding and interpreting the results of the analysis” (Robson 2002: 351). Robson’s discussion of the accuracy of archival data cites Gottschalk and Angell (The Use of Personal Documents in History, Anthropology and Sociology, 1945): The purpose of the documents, the witting and unwitting evidence contained in them, the petitioners’ ability and willingness to tell the truth, their accuracy in reporting their allegations, and the presence of external corroboration are all important to assessing the accuracy of the court’s records (Robson 2002: 350). As well, the organizational processes that produce the court’s records leave their mark in the individual decisions about what is important to include or omit, what constitutes “domestic abuse,” the actions available or foreclosed to police, judges, advocates, prosecutors, victims, and others (Kitsuse and Cicourel 1963).

**Population**

Social research is generally conducted using samples of various kinds taken from the population of interest to the researcher, generally because of time and resource constraints. “Population refers to all the cases. It might be, for example, all adults living in the United Kingdom or all children attending schools in Texas” (Robson 2002: 261) – or all petitions for restraining orders filed in a particular court during a particular time period. Collection of data from the population rather than from a sample is conducted when there is a need for a high degree of accuracy (Salant and Dillman 1994). The small percentage of military members and their intimate partners (and other family members)
that comprise the resident population of O'ahu – and the hypothesis that military-related dyads are no more violent than civilian dyads – required examination of enough files to establish with reasonable certainty whether the proportion of restraining order petitions filed by military-related dyads was greater than their representation in the resident population. An exploratory examination of a month’s worth of the court’s records found very few military-related petitions, many fewer than were expected. This parameter is crucial to answering the research questions, and an *a priori* power analysis to determine the size of an adequate sample, using $\chi^2$, and looking for a small effect size (.1), $\alpha$ of .05 and $1-\beta$ of .05, df of 1, required a total sample size of 1300 restraining order files (Faul et al. 2007). In 2004, approximately 2545 petitions were filed. Since this parameter is crucial to answering the research questions (and an adequate sample was quite large), the decision was to instead examine every petition for a temporary restraining order filed for a six-month period, to ensure that military-related petitions were not missed (n=1153). Thus, the population for this study is the sequential set of TRO cases filed in court records from January 1 to June 30, 2004 (complete data collection was through June 30, 2004; however, data entry for the complete set was done only for relationship, age, sex, children, race/ethnicity, and military status variables; complete data entry for all other variables was done only for cases through March 31 – data saturation was reached in this subset of the data collected (Neuman 2004)), plus related civil and criminal cases for each petitioner and respondent retrievable from the Court’s public access database through October 31, 2005. The population for which complete data entry was done consists of 638 TRO cases examined to separate relationships, of which 385 cases involved intimate-
partner dyads for comparison of military-related and civilian cases. The unit of analysis is the dyad of petitioner and respondent as represented in their filed civil and criminal cases.

Data was collected from First Circuit and Family Court restraining order, divorce, and criminal case records, which are fully public records, available in the file room of the courthouse. Through examination of individual case files it was possible to separate the intimate partner cases from the rest and to identify the military status of petitioners and respondents. The data collected from restraining order cases that did not meet the test for intimate partner violence included the case number, caption and the relationship claimed by the petitioner. Extensive data were collected from all restraining orders that met the relationship test.

The advantage of this method is avoidance of both coverage error and sampling error through examination of the entire population. The method is unobtrusive: data collection from court files does not change or influence what happened and thus removes from analysis researcher effects on participants, reactivity and respondent bias (Neuman 2004, pp. 226 et seq., p. 228, and p. 237). While the use of archival data avoids interviewer effects, the petition forms and the help that petitioners receive at the Family Court’s Adult Services Branch (ASB) affect what petitioners include and omit when recording their stories. The reliability of the data in the petitions is also affected by whether petitioners were “able and willing” to accurately record their stories.

Nonresponse error is also generally avoided as all but three files were available during the study period (Salant and Dillman 1994). However, the case files available at the First Circuit and in the public access database (which includes the First, Second, Third, and
Fifth Circuits) may not include all incidences of a petitioner or respondent seeking court intervention in the present or former intimate partner relationships. Missing for each dyad in this study may be any related case filed in Hawai‘i involving the pair that is not included in the public access database, any case filed in another state or country, incidents for which an arrest was not made or charges were not filed and the victim did not seek a TRO, and, for military-related dyads, incidents that occurred in areas under exclusive military jurisdiction or under concurrent jurisdiction where military law enforcement were first responders, the incident was not reported to civilian authorities, and victims did not seek civilian restraining orders. 13

This excavation of the incidence and context of women’s experience of intimate partner violence, distinguished from the violence experienced by children and elders (and others) in care within the family, is supplemented by other documentary evidence explaining the workings of the military and legal systems, including laws, regulations, manuals and journal articles. Rather than looking solely at ‘victims’ and ‘perpetrators,’ reviewing the management of cases in this social institution will deepen understanding of the dispositive decisions described in the data. Statistical data are paired with explanatory findings from existing literature and illuminated by case studies generated from the data. Civilian and military cases are compared.

13 Information about obtaining civilian restraining orders is available to military members and their families at various places around each military base (flyers at base commissaries and exchanges and Family Service Centers, notices and articles in base papers and “Welcome” packets, for example), on local television and radio stations, billboards, bus signs, etc. There is little reason to assume that military families are less aware of civilian resources available to them than are civilian families – both live in environments in which such information is public and published and is now routinely provided by police officers and military police responding to calls for help. Nor is there reason to believe military family members are less likely than civilian family members to use the legal system to obtain protection and redress in these cases.
Assumptions

The following assumptions are made in defining this population:

1) Everyone who has an intimate partner has some risk for experiencing intimate partner violence. This risk is not uniformly present across social classes, races/ethnicities, or ages (Mooney 2004, pp. 170 - 172). The study population consists of those persons who have experienced intimate partner violence and who use the police and the courts for protection.

2) Everyone who experiences intimate partner violence has access to the police and state courts. However, not everyone exercises this access to the same degree. Many women describe barriers to their calling the police that include fear of the police, negative prior experience with the police, and fear of retribution for reporting to the police (e.g. Wolf et al. 2003), and to their use of the courts that include unfamiliarity with court processes, intimidation by and hostility of court personnel (Iovanni and Miller 2001), and lack of advocates (Pence 2001).

3) There is no significant difference between the petitioners in this population who filed for an restraining order in 2004 and those who experienced intimate partner violence and did not file for a restraining order. Many petitioners in the study population

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14 Hawai‘i’s courts do not charge filing fees to petitioners seeking a domestic abuse order – the initial filing of a petition for a restraining order is free – so this particular obstacle to court access has been at least partially removed. The courts do charge a $15.00 filing fee for motions in these cases after an Order for Protection has been issued, such as a motion to amend or dissolve existing orders. The fee can be waived upon showing of need. For most petitioners, then, this should not be a substantial obstacle. Divorces have substantial filing fees – again, waivable upon showing of need; complainants are not charged fees for criminal cases filed against their assailants.
had sought the protection of the courts in past years; it is reasonable to assume that those victims/survivors who were not in court in 2004 will be in the future when they are attempting to leave violent relationships, along with some of the study population petitioners who were unsuccessful in leaving this time.

4) The effects of military deployments to Iraq, Bosnia, the Philippines, and other areas in which there have been wars or humanitarian and police interventions are represented in the military-related petitions filed in 2004.

The time frame was chosen to be just long enough in the past for TRO and most related divorce and criminal cases to have completed processing and not so far that case files were stored off-site or being put on microfiche (eliminating the need to pay for file retrieval and the higher fee for printing from microfiche rather than photocopying papers). The availability of contemporaneous Census data for both the military and civilian populations was another factor considered, as this would answer basic descriptive questions about the resident population.

**Premise about what constitutes violence**

Also, this study begins with the premise that physical violence and intimidation, threats, psychological/emotional control and intimidation, are all forms of violence (Mooney 2004, p. 162). The study thus refers to all such acts and words as violence.
Identifying intimate partner cases

Research began with the compilation of a list of all restraining orders filed at the First Circuit Court in Honolulu County, O‘ahu, Hawai‘i, during the study period. This was accomplished through use of the Court’s online database giving public access to court records, Ho‘ohiki. From this database, at this stage, were collected the case numbers and captions of restraining orders filed from January 1, 2004 through June 30, 2004, a total of 1,153 (the study population for this thesis was reduced to those restraining orders and related cases filed through March 31, 2004 during data entry, resulting in 638 restraining orders included in both data entry and data analysis). This list was used to request paper files from the court archives and to keep track of files examined. It was also annotated with the relationship to the respondent claimed by each petitioner. After determining the claimed relationship, a data collection sheet (Appendix A) was completed for each case involving intimate partners.

Determining relationships between petitioners and respondents

Determination of relationships on restraining order petitions is fairly straightforward, with the exception of those claiming only to be living together or to have lived together. Section III of the petition form asks petitioners to check a box identifying the relationship she or he has to the respondent. The choices on the form are: “Married,” “Divorced,” “Lived Together,” “Living Together,” “Children in Common,” “Related by Blood,” and “Dating.” Intimate partners are those who are or were married, divorced, have children in common, living together or lived together (as if husband and wife), or
dating (a romantic, courting or sexual relationship). “Children in common” means there is or was a sexual relationship but not necessarily that the parties live or lived together (cohabiting) and may even mean the couple were once married or were dating and never lived together. “Living Together” or “Lived Together” might mean a relationship is or was parent-child, siblings, cousins, aunt/uncle and niece/nephew, grandparents and their children or grandchildren, college roommates, friends, various step-relationships, boarders or renters, lovers, married, divorced, separated – in one case the petitioner and respondent were not intimate partners, but during a military deployment shared as common quarters a military barracks (with the rest of their unit). “Dating” is defined as courtship with or without sex, sexual relations of short duration as well as of long standing, romantic or not, cohabiting or not.

Another checkbox asks petitioners whether they are intimate partners, as defined in 18 U.S.C. 921(a)(32), which is in Chapter 44, Firearms:

“(a) As used in this chapter . . . (32) The term “intimate partner” means, with respect to a person, the spouse of a person, a former spouse of a person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.”

This definition is not offered on the court form and it is evident that “cohabit” does not have a consistent meaning for petitioners, though it has a definite meaning for the court.

Cohabitation is defined in Black’s Law (Black 1990: 260) as “[t]o live together as husband and wife. The mutual assumption of those marital rights, duties and obligations which are usually manifested by married people, including but not necessarily dependent on sexual relations.” In more commonly understood terms, it means to “live together,
esp. as husband and wife without being married to one another” (Oxford 1995: 256).

Petitioners were frequently mystified by the checkboxes for “living together,” “lived together,” “dating,” and for identifying intimate partners (this last box was frequently checked when it should not have been and left unchecked when it should have been checked). The court’s form does not actually enforce a distinction between dating and cohabiting (though this distinction exists in the statutes) and there is a great deal of variation in how people check (and cross out their checks in) the boxes. This introduces ambiguity into these categories. The categories “living together” and “lived together” apply to both intimate partners and unrelated house or roommates, which is why another checkbox is required to distinguish the cohabiting couples from others who merely share living quarters. For this study, to be included as an intimate partner case, a petition marked lived or living together required further evidence in the petition of a romantic or sexually intimate relationship. If there was no evidence of sex or of dating or a claimed romantic relationship, the file was marked as ‘ambiguous’; ambiguous cases could not be assumed to be intimate given Hawai‘i’s tendency for extended families to live together, the hanai\(^{15}\) system, the university, the military, and the expense of housing that results in unrelated people living together. This may mean that some intimate partner cases

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\(^{15}\) An informal (meaning outside of the Western legal system) fosterage system, in which children in need are cared for by a family other than the one they were born into, i.e., adopted — “Anyone who knows Hawaiian family life even today has seen many instances in which an adopted child has become as intimately one with the feeding parent (hanai) as a child born to the parent.” (“The Polynesian Family System in Ka’u, Hawai‘i,” E. S. Craighill Handy and Mary Kawena Pukui, Mutual Publishing: Honolulu, Hawai‘i, 1998, p. 168; also, “A Dictionary of the Hawaiian Language,” Lorrin Andrews, Island Heritage Publishing: Waipahu, Hawai‘i, 2004, p. 139; and conversations with Rhoda Kaluāi, a native Hawaiian and colleague in the Sociology Department at the University of Hawai‘i, and various colleagues at the Domestic Violence Clearinghouse and Legal Hotline during my steep learning curve there from January 1999 through March 2002.)
involving same sex couples and some unmarried partners not alleging sexual abuse or an intimate relationship were not counted. However, the number of ambiguous cases was quite small: less than one percent of the study population.

When the only relationship box checked on a petition was “lived together or living together,” the following procedure was followed:

1) look through the petition for claims that petitioner and respondent were girlfriend, boyfriend, or partners;

2) look through the petition for the claim that the relationship is over or that petitioner has ended it or wants out, terms generally meaning that the relationship was intimate and/or romantic;

3) look through the petition for evidence of sexual activity between the petitioner and the respondent – allegations of forced sex, descriptions of sexual acts, accusations of infidelity or jealousy, the statement “If I can’t have you, no one will” and variations, sexual jealousy, allegations around visitation or custody, a request for temporary visitation or custody (having children in common is evidence of an intimate partner relationship, given legal definitions and requirements for custody and visitation of children);

4) look for related cases mentioned in the file, including in the court minutes. A divorce, legal separation, child support or paternity case (with the same respondent) shows an intimate relationship does or did once exist. These are FC-D, FC-P, FC-S or FC-M cases with custody or visitation orders; and, if all else fails,
5) look for the court’s determination that the relationship is between intimate partners in the Order for Protection, if there is one. A check in the box by the statement that, according to 18 USC (a)(32), the petitioner and respondent are or were intimate partners should mean that the parties are not merely living under the same roof or siblings, in-laws, cousins, aunts, uncles, parents, grandparents, or children. However, this isn’t fool proof! This box is frequently left unchecked when it should be checked and is often checked when it shouldn’t be. 16

If there was no protection order, and no other references to help determine whether the relationship is intimate, then the case was marked “no indication of IP.” Also, if this box was checked and there was solid evidence that the relationship was not between intimate partners, then such cases were also marked “no indication of IP.”

The “dating” category asks petitioners to mark additional boxes relating to length of relationship and whether it was romantic, intimate and/or sexual. Confusion is evident here; many petitioners who checked “living together” or “lived together” also checked “dating” and filled in the length of the relationship and that it was intimate, which were often then crossed out. All but a few of these petitions also contained other information that identified the relationship as one between intimate partners, sometimes cohabiting and sometimes just dating, and so this was interpreted as evidence of an intimate partner

16 Examples in which the box “finding” that there is an intimate partner relationship, but the relationship is otherwise, are DA 0101, which is part of a family’s trio of filings against a son and brother and the brother’s friend, and although there are children, they are not “in common” with any of the respondents; DA 0003, which involves residents of a group home and makes no relationship claim other than the two women “lived together”; DA 0023, in which the parties are either siblings or cousins (“related by blood”) and once lived in the same household; DA 0753, in which the respondent is petitioner’s father; and, DA 0711, in which the parties are siblings.
relationship in the few petitions that otherwise contained no allegations that were unambiguously about an intimate relationship. I believe the crossing out occurred as ASB workers clarified for petitioners the difference between “dating” and “cohabiting,” which, while definitely not clear on the petition form, are also apparently not so clearly separate in local terms, even for the judges.¹⁷

Finding related civil and criminal cases

The captions (names of the parties to the case) and case numbers from the restraining order files examined at the courthouse were used to locate related civil and criminal cases involving both parties. Most information about related cases (1,441 cases) was taken from the Ho’ohiki database rather than from paper files at court, and so is limited to the names of petitioners, respondents and defendants, criminal charges, disposition of cases, and comments of judges about the case, as contained in the court minutes. The process required matching the names and other case information to cases brought up in the Ho’ohiki name search, using the first and last name of the individual. This was also fairly straightforward, since the Court frequently mentions related cases in the minutes, petitioners and respondents frequently appear as opposing parties in the

¹⁷ For example, a petitioner who claimed a nine year, twice a day intimate/sexual relationship was considered to be “dating” – and the judge did not “find” this to be an intimate partner relationship when granting the Order for Protection, despite an open FC-S case involving the respondent and the Department of Human Services (DHS). Indeed, the (male) petitioner’s child was added to the order for protection and the (respondent) mother’s visitation with the child was denied pending the outcome of the FC-S case. And in October 2004, according to court minutes, neither party showed up for the consolidated review hearing, though DHS and the Volunteer Guardian ad Litem (VGAL) representing the child did. The lack of finding on the order for protection is one of many in which the court seems to have overlooked this particular check box.
captions of other civil cases, sometimes as joint petitioners or respondents, as well as being defendant and complaining witness in the same criminal case. However, in those cases where a name search brought up similarly named individuals and information was lacking that would distinguish a petitioner or respondent included in this study from other individuals with the same first and last names, possibly related cases were not included. This occurred most often with criminal cases, where court minutes (and even court files) often do not include the name of the complaining witness. This means that counts and percentages of related civil and criminal cases in this study are understated by some unknown amount and that this is particularly so for criminal cases. Related cases plus the current\textsuperscript{18} restraining order case provide a history of relationship violence (criminal cases and convictions, restraining orders, divorces) for each petitioner-respondent dyad, demographic information (gender, age, ethnicity, children, relationship, approximate length of relationship), plus the allegations of abuse made by the petitioner in the current restraining order.

The related cases included in the study are those involving both parties in Family Court civil and criminal cases, and those non-Family Court criminal court cases that indicate violence against intimate partners past and present, other family members, and unrelated persons, problems with illicit drugs and alcohol, and with general lack of respect for the law and community. Related cases include Family Court Criminal (FC-CR) cases of Abuse of a Family or Household Member (AFHM), Criminal Contempt of

\textsuperscript{18}“Current restraining order” in this study refers to the restraining order cases filed from January 1 through March 31, 2004. This distinguishes them from older restraining order cases and restraining orders filed after this period but before October 2005.
Court, Criminal Property Damage, Custodial Interference, Endangering the Welfare of a Minor, Harassment, Interfering with Reporting of an Emergency or Crime, Persistent Nonsupport, Refusal to Comply with a Police Order, Sexual Assault, Violation of a Temporary Restraining Order, Violation of an Order for Protection, Terroristic Threatening, and Unlawful Imprisonment; Family Court civil cases such as FC-DA restraining orders, FC-DV divorces, FC-M miscellaneous cases, and FC-P paternity and some few FC-S (child protective services) cases mentioned in restraining order and divorce files; and non-Family Court criminal cases (PC) of offenses against persons, such as Abuse of a Family or Household Member, Assault, Custodial Interference, Endangering the Welfare of a Minor, Harassment, Harassment/Stalking, Kidnapping, Murder, Negligent Injury, Sexual Assault, Terroristic Threatening, Unlawful Imprisonment, Violation of a Temporary Restraining Order, and Violation of an Order for Protection; offenses against property, such as Burglary, Criminal Property Damage, Criminal Trespass, Credit Card Fraud, Forgery, Identity Theft, Insurance Fraud, Possession of Burglary Tools, Robbery, Theft, Unauthorized Control of a Motor Vehicle, and Unauthorized Entry of a Motor Vehicle; offenses against public order, such as Criminal Contempt of Court, Disorderly Conduct, Contraband, Escape, Illegal Knife, Resisting Arrest, and Tampering with Physical Evidence; drug offenses, such as Promoting Dangerous or Detrimental Drugs, Drug Paraphernalia, and Possession of a Controlled Substance; traffic offenses, such as Driving without a License, Driving Under the Influence, and violations of traffic, insurance and vehicle safety rules; and various possession of firearms offenses. Related criminal cases included in the study are those
which involve violence against a current or past intimate partner, those involving violence or criminal acts in which a current or past intimate partner is the complaining witness, those showing the defendant’s violence against other persons, and those in which both parties were involved in the commission of the crime. Related civil cases included are mostly restraining orders and divorces. A few paternity determinations (when the paternity case was mentioned in a divorce or restraining order proceeding – cases involving minor children are sealed) are also included. Many of the petitioners and very many of the respondents had other civil cases in the database that did not involve intimate partners.

Determining severity of violence

An original aim of this study was to figure out if it is possible to measure the severity of violence in a particular relationship from the allegations in the petitions. This aim was reluctantly abandoned as it is not possible to reliably categorize the allegations in the petitions from mild to severe, although many petitions are complete enough to do this in a rough way. Petitions for restraining orders are often sketchy (some merely check the boxes, others merely indicate which of several actions happened). This is related to the function of the petition form, which is to collect enough information for a judge to decide whether to grant a temporary restraining order – a decision based on whether the allegations are sufficient to meet the minimum requirements of the statute – and to time constraints and highly varied skill at written communication on the part of petitioners, many of whom require translators and interpreters throughout the process of getting a
restraining order. The petition forms do not ask about the pattern of abuse in the relationship, let alone the minimal information about first, last and most recent incidents used by many domestic violence advocates – it is sufficient that there was one incident and the petitioner was alarmed by it; the petition asks whether there was physical violence, but does not ask whether any particular incident resulted in injury, let alone what sort of injury. Unless the petitioner offers up a description of the incident and its consequences, there is no reliable way to do other than guess at severity. Some of the choices under Section IV (A), physical abuse, are de facto severe: Choking or strangling and forced sex. The remaining categories – push/grab/shove, slap/punch/hit, kick/bite – entertain possible injurious effects from mild to severe. Section IV (B), threats, asks only about threats to kill or physically or sexually hurt the petitioner, but not why the petitioner believes them, nor does it require that the petitioner repeat the threat. Section IV (C), property damage, asks the petitioner to describe the damage and check boxes about whether it was “on purpose,” “without permission,” and “intended to cause distress.” Section IV (D), psychological abuse, asks petitioners to describe the specific acts and check boxes about whether the conduct was “directed at me,” “served no legitimate purpose,” “seriously alarmed or disturbed/continually bothered me,” and would “cause a reasonable person distress.” This section usually contains most of the petitioner’s written descriptions of abuse and often overflows the allotted space to fill the margins and back of the form. Section IV (E), immediate danger, asks the petitioner to check boxes as to whether she or he fears imminent physical harm, extreme psychological abuse, malicious property damage, or other harm, and – in the only place on the petition that asks this –
directs the petitioner to state why she or he believes she or he is in immediate danger. Court minutes are not very informative about severity, as these are concerned mostly with recording the decisions made and make mention of other information only as it relates to the decision. Thus one could make only a subjective guess about severity based on the totality of information in the restraining order file, supplemented by affidavits from related case files, if there are any.

The scheme the court form uses is similar to that used to solicit and classify physical violence on the Conflict Tactics Scales (CTS), which is the most-used measure for domestic violence. On the CTS, moderate violence (in effect and injury) would include throwing something at the victim, “push/grab/shove,” and slapping, while severe violence would include “kick/bit/hit with fist,” “beat up,” strangle, “threat with knife or gun,” and “used knife or fired gun.” Army studies using the CTS have reclassified “kick/bit/hit with fist” as moderate violence. (Caliber, 1996, p. 16) Still, without information about injuries, the victim’s understanding of the act, and the history and pattern of abuse, classification is subjective and likely to be inconsistent.19

The court files reflect what the court considers necessary to manage a case: the allegations of a petitioner or witness must meet legal definitions (and the paperwork needs to show only enough to support the judge’s decision or the prosecutor’s decision to charge and prosecute); motions and other data are structured by technical considerations rather than telling the story (which, for most hearings, consists mostly of testimony that is

19 See, for example, these critiques of the CTS: DeKeseredy and Schwartz, 1998; Waltermaurer, 2005; Eigenberg, 2001.
not transcribed unless the case is appealed or a party can afford to pay for it). The specifics of age, gender, ethnicity, socioeconomic class, employment/occupation are important only if a legal rule or procedural policy makes them so – otherwise these go missing. Information about injuries and consequences is important to the judge’s decision whether to grant an Order for Protection, which happens after a full hearing, but less so in the decision whether to grant a TRO. The best way to address this issue without actually interviewing petitioners would be to acquire transcripts for hearings and police incident reports – a very expensive proposition and one that exponentially adds to the data to be sifted through.

Mild-moderate-severe could be ascertained with some reliability from police domestic violence incident reports, which are not generally available in Family Court civil files, and are missing from many misdemeanor criminal files (most of the files that would be relevant to such a study). This particular question requires a different study and access to both police records and court records, including transcripts of hearings and exhibits, and perhaps to victims and their medical and psychological treatment files.

It is another question entirely whether improving the petition forms to require indication of injury, the severity of injuries, and the consequences to the petitioner and the petitioner’s children of both physical and psychological maltreatment would result in different (perhaps better) decisions whether to grant temporary restraining orders.
Identifying military-related petitioners and respondents

Identifying military-related petitioners and respondents is possible through examination of several variables in petitions for restraining orders, orders granting or denying temporary restraining orders, orders for protection, and related divorce and criminal case files. The first variable is the check box at Section VII on the petition form, which asks the petitioner to check whether the respondent is a police, sheriff or other law enforcement officer; a member of the State or federal military; a mail carrier; or a State employee. In the petitioner's requests on this form, the field identifying the place of employment from which the respondent is to be excluded often identifies the petitioner as an active duty military member through the name of the command or military base to which the petitioner is assigned. On the temporary restraining order form, another check box requires judges to indicate whether respondents affected by laws prohibiting police, military and state employees from carrying firearms are granted an exemption by the court. Petitioners frequently do not check the box on their forms to identify military respondents; judges prefer to hold hearings before addressing firearms exemptions. Also on the temporary restraining order form is a field in which the court should enter the address of the commanding officer of police and military members to whom a copy of the granted temporary restraining order must be sent. This was a useful field for identifying active duty military respondents. Serving instructions and police reports in the files often identified petitioners or respondents as active duty military members, a function of the police needing to know where to find a respondent so that she or he could be served. Court forms for Orders for Protection further identify military members in Section F,
Firearms, in which the court checks boxes for whether the respondent is “prohibited from possessing or controlling” firearms and whether an exemption to this prohibition has been granted. The section further identifies the commanding officer to whom a copy of the Order for Protection must be sent. These fields identified nearly all of the military and military-related petitioners and respondents in the study population. A few more were found from comments in court minutes, examination of financial statements in divorce files – and one Air Force active duty petitioner was identified solely through information in an affidavit in his divorce file about the respondent’s psychiatric hospitalization at Tripler Army Medical Center. The court seems to have overlooked his military status. However, an overwhelming majority of military-related petitioners and respondents were readily identified from information in the petitions, restraining orders and orders for protection. Some familiarity with the names of military bases and commands and addressing formalities is necessary to this process, though.

Assignment of a petitioner or respondent (and their related cases) to the military-related category required evidence within the record (beginning with the petition for a temporary restraining order) suggesting that these persons were connected to the military (but not solely through civil service or contractor employment); assignment was made tentatively where evidence was not clear in the petition and remained so until verified by other data sources (such as other orders and related case files; in a handful of cases the verification was a residence address located in military housing). Thus validity of this category depended on the accuracy of the decisions made about “unwitting evidence” in
case files for military membership (and the availability of confirming data from related cases). No military-related cases remain in tentative assignment.

THE STUDY POPULATION

The study population consists of:

1) January 1 through June 30, 2004 FC-DA (Temporary Restraining Order and Order for Protection) cases with identifiable intimate partner relationships: married, divorced, children in common, living together, lived together, dating. Ambiguous cases are excluded from data analysis.

2) Other FC-DA cases related to either petitioner or respondent (locates former intimate partners, indicates history of relationship violence)

3) FC-CR (Family Court criminal) cases related to either petitioner or respondent (history of relationship violence with past and present partners, defendant’s experience with the criminal court process and propensity to be violent).

4) FC-D (Divorce) cases related to either petitioner or respondent (relationship history, more demographics, past intimate partners)

5) FC-M (miscellaneous family actions) cases related to either petitioner or respondent with children in common (indicates presence of intimate partner relationship).

6) FC-S (these cases are sealed because they involve minors– mentions of these in other cases indicate that the petitioner and the respondent have children in common).

Though the study population is not random, since it consists of all the available cases and reports already filed for January 1 to March 31, 2004, it should be
representative of the population of intimate-partner violence cases filed on O‘ahu each year. It is, of course, possible for the year 2004 to differ sufficiently in some respect from 2003 or 2005 to skew the results; some possible influences would be rapid changes in the composition of the island’s population or culture or economic conditions. The military population of 2004 could be skewed from preceding and successive years, by containing more or fewer examples of the effects of the increasing stress of deployments for combat missions in and occupation of Iraq, Afghanistan and elsewhere on returning military members and their families. If the military truly is more violent in intimate-partner relationships for reasons that differ from the civilian population, this should be readily apparent in the current circumstances, with military members who have been in combat situations rotating home from Iraq and Afghanistan.

Validity of qualitative data in the case studies is related to the authenticity of the documents examined – the data were transcribed and coded from original, authenticated documents filed in public archives, using data collection sheets to ensure complete and consistent collection. The results should be generalizable to the population, with these caveats:

1) Data about ages of petitioners and respondents are incomplete – these were missing from many files, particularly from those petitioner-respondent dyads represented by only the current restraining order case – many dyads did not have related cases that could provide the missing data. There data were culled for most dyads from multiple case files, to acquire the most complete data possible. However, for dyads who were not married or divorced, whose divorce files were old enough to be stored off-site (and
therefore were not within my budget to recall) and not old enough to be on microfilm, whose files lacked police incident reports (or had incomplete ones), and who gave no indication of age anywhere in the petition, there are no data about age. This is 25.7 percent of petitioners and 9.9 percent of respondents (29.5% of females and 6.0% of males). Age was determined by using birth dates where available and stated ages in various documents, updated to 2004. The restraining order petition does not ask for date of birth – this information is found most often on serving instructions, police incident reports, and in divorce files on Matrimonial Action Information forms. The court cares about age only to determine whether an individual has status to file, i.e., is not a minor child. Age is most likely to be included for respondents since this is collected as part of the data required for serving process (the granted temporary restraining order and summons to the Order to Show Cause hearing) and on arrest reports where the defendant is more likely to be described than the complaining witness.

2) Data about ethnicity/race of petitioners and respondents are also incomplete, for the same reasons as age data are incomplete – race/ethnicity are not factors in determining standing (right or eligibility to file the petition). Ethnicity/race suffers also from ordering bias on official forms. In completed divorce files, this information is supplied by the parties on the Matrimonial Action Information form and so is in the preferred order when more than one is listed. On police forms, ethnicities are checked off (and frequently not checked off), giving no indication of the order the parties would prefer. When they are written in, this is done by the officer completing the form and may not represent the order preferred by the persons described. Assignment of an order in
these cases suffers from a lack of certainty owing to the heterogeneity of the population. A large number of files contained no such data for either the petitioner (most often) or the respondent or both. This is 50.7 percent of petitioners and 33.8 percent of respondents (50.34% of females and 33.94% of males). However, most files with ethnicity/race data list only one; most of the remainder list only two. Ethnicity/race is included for respondents on serving instructions and generally for defendants on incident reports, but is much less likely to be included for petitioners and complaining witnesses.

3) Data about socioeconomic status (occupation, income) and about education were very much missing in the files. For many files, there may only be an employer listed, or merely that one or both parties is employed (or was until recently). Unless there was an associated divorce file with completed financial forms, there were little data for most cases beyond whether a party is or is not employed – and given that many divorces involving an abusive partner take a year or more to complete, the employment data in them are not necessarily indicative of employment status at the time the petition for a TRO was filed. Where there are data, the income range is from subsisting on welfare or disability payments to a CEO with a six-figure annual income, a physician, a lawyer, and several small business owners. The great majority of both petitioners and respondents were employed when and again shortly after the restraining order was filed.

4) Length of relationship is asked for on the petition only for those who claim a dating relationship (this is a factor the law allows the Court to consider in determining whether such a relationship is “intimate”), though this information is often supplied by those claiming other relationships. Where the petitioner supplied this information,
whether on the petition for the TRO or on a Matrimonial Action Information form, it was used as reported. Most petitions were lacking this bit of data, but had other information that made an estimate possible. Related cases showing a petitioner-respondent dyad were together in an earlier year, the fact of a divorce decree issued in a previous year, the ages of children in common, were all used to estimate how long a dyad had been in some sort of relationship. In estimating from the existence of a court case, the filing date of the earliest court case was used, since the dyad may have been together days, weeks, months or years at the time the case was filed. In estimating from the birth date or age of the oldest child in common, 10 months was added to this date; again, the dyad might have been together days, weeks, months, or years before the child was conceived. Thus the estimates underestimate the length of these relationships by some unknown amount.

5) These cases represent only those in which one or the other partner came to court to get a restraining order. Therefore, this is a conservative estimate of the number of cases of intimate partner violence (prevalence) rather than an estimate of the number of incidents. A review of police incident reports for the County of Honolulu for the same period would likely produce more incidents. If an arrest is not made or the victim does not file for a restraining order and subpoena the incident report, the incident report doesn’t usually end up in a restraining order or divorce file, and if a conviction is not made, files generally won’t contain the system report listing a defendant’s arrests and convictions — and so, this study cannot provide incidence data. It will undoubtedly also underestimate prevalence, however; intimate-partner violence is underreported to the police, some gets to the courts in the restraining order process before the police are
involved, some divorce cases involve intimate partner violence that is never identified, and some is never reported anywhere (Mooney, 2004, pp. 159, 176-178). Missing from the study population will be cases in which neither partner petitioned for a restraining order, some number of families in which the intimate partner violence did not come to court but the effects on the children were on the docket of the juvenile division of Family Court (where all records are sealed), criminal cases heard in the Family Court that lacked a domestic abuse restraining order (though there may well have been a stay-away order or an injunction), which will be missing because the entry point used to find intimate-partner-violence cases in the system was the Family Court restraining order files. An examination of Family Court criminal cases looking for intimate partners was abandoned owing to the high number of case files that lacked information about the complaining witness and the relationship between the defendant and the complaining witness, making a reliable determination about whether more than half the cases met the study’s criteria impossible without another source of information about each case (those police reports, divorce files, and restraining order files not in the current study population). However, the study may provide a rough estimate of recidivism among respondents against whom restraining orders are granted.

6) As in other research on this subject, the persons missing from the study population will include those who lack knowledge of this remedy, who are most thoroughly isolated, whose abusive partner has greater control, the immigrant who doesn’t speak or understand English and the American legal system (or distrusts the legal system), the military spouse who doesn’t know that she or he can use the civilian police.
and courts or is afraid of the consequences for the military member’s career, those who are unaware that the violence they endure is considered criminal or were brought up to accept it as something endured for the sake of preserving a marriage.

DESCRIPTING HAWAI‘I’S RESIDENT POPULATION, CIVILIAN AND MILITARY (DEMOGRAPHIC DESCRIPTION)

**Numbers**

The resident population of Hawai‘i on July 1, 2004 was 1,262,840. The State of Hawai‘i Data Book 2004 defines “resident” as “based on place of usual residence, regardless of physical location on the estimate or census date. Includes military personnel stationed or homeported in Hawai‘i and residents temporarily absent; excludes visitors present.” The resident population of Honolulu County on the same date was 899,593.

The resident population consists of both military-related and non-military-related persons. A combination of Census Bureau and Department of Defense definitions was used to make these distinctions. The U.S. Census does not directly define “military” – rather it defines “civilian veterans” and includes the idea of “active duty” within this definition. The definition of “civilian veteran” is “... a person, 18 years of age and over

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30 Table 1: Annual Estimates of the Population for the United States, and for Puerto Rico: April 1, 2000 to July 1, 2004 (NST-EST 2004-01), Population Division, U.S. Census Bureau, Release Date December 22, 2005

31 “Homeported” is a Navy term designating the assigned - “home” – port of a ship and its crew.

32 Table 1.03: Resident Population, By Military Status: 1990 to 2004, The State of Hawai‘i Data Book 2004

33 Table 1: Annual Estimate of the Population for Counties of Hawai‘i: April 1, 2000 to July 1, 2004 (CONEST 2004-01-15), Population Division, U.S. Census Bureau, Release Date April 14, 2005.
who has served (even for a short time), but is not now serving, on active duty in the U.S. Army, Navy, Air Force, Marine Corps, or the Coast Guard, or who served with the U.S. Merchant Marine during World War II. People who served in the National Guard or military Reserves are classified as veterans only if they were ever called to active duty, not counting the 4-6 months initial training or yearly summer camps. All other civilians 18 years old and over are classified as nonveterans.”

So the census classifies the population – on this characteristic – as civilians (persons who have never served on active duty), active duty military (those currently on active duty in the armed forces listed), and civilian veterans (those who served on active duty no matter how briefly).

The Department of Defense supplies a more precise definition of “active duty”: “Full-time duty in the active service of a uniformed service, including duty on the active list, full-time training duty, annual training duty, and attendance while in the active service at a school designated as a service school by law or by the Secretary concerned.” (DoD, 2004: 44 et seq.) The definition of “military personnel” for the census does not include members of the military reserves or the National Guard, unless the member was called to active duty.

The American Community Survey data rank Hawai‘i 12th in the nation in the percent of its resident population who are ‘civilian veterans’ – 13.7 percent (range from

24 American Community Survey (ACS) 2004 Subject Definitions
12.8% to 14.6%); Honolulu County is ranked 30th in the nation – 14.2 percent (range 13.5% to 14.9%).

There is no way to reliably identify former service members (civilian veterans) from the court records – this would require data matching with DoD databases. Still, less than 15 percent of Honolulu County residents are former active duty military members (and the census does count the reserves and Guard that were activated). The active duty, their family members, and the civilian veterans come to about 21.7 percent of the resident population – slightly more than a fifth. Civilian veterans are not counted as military-related in this study, partly owing the impossibility of accurately identifying them and partly because they have not been included in previous studies of domestic violence and the military. As well, civilian veterans have always been a part of the general society, and so have had influence on its norms and social structures, particularly on its definition and images of masculinity (Higate 2003a).

There was no information in court case files addressing whether a member of the military reserves or the Hawai‘i National Guard had been called to active duty; however, during the study period reservists and the National Guard were called to active duty in large numbers to serve in the wars in Afghanistan and Iraq. In the data analysis of this study, given the massive activation of National Guard and Reserve units following the

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25 “Percent of the Civilian Population 18 Years and Over Who are Veterans: Civilian Population 18 Years and Over (State Level),” American Community Survey Ranking Tables: 2003, U.S. Census Bureau; “Percent of the Civilian Population 18 Years and Over Who are Veterans: Civilian Population 18 Years and Over (County Level),” American Community Survey Ranking Table: 2003, U.S. Census Bureau.

26 See, for example, “Official to visit deployed isle Guard,” B.J. Reyes, Associated Press, printed in Honolulu Star-Bulletin, 26 October 2004, which gives approximate numbers of Hawai‘i National Guard, Reserve and active duty members already in Iraq and Afghanistan and about to be sent to these places.
terrorist attack of September 11, 2001 and the declarations of war against Afghanistan
and Iraq, and to be conservative in comparing military-related to civilian population in
terms of percentages, reservists and members of the Hawai‘i National Guard found in the
study population were counted as active duty members.

Active duty military members resident in Hawai‘i on July 1, 2004 numbered
45,624 (3.6%); military-related civilians\(^{27}\) numbered 57,056 (4.5%); non-military-related
civilians\(^{28}\) numbered 1,160,160 (91.87%) (Hawai‘i Data Book 2004: Table 1.03). Since
nearly all active duty and their families are located on the island of O‘ahu (DoD 2004b: 5,
27) \(^{29}\) – Honolulu County – the more relevant comparison is to the total resident
population of Honolulu County in 2004, for which the total is 899,593; therefore active
duty military are approximately 5.1 percent; military-related civilians (i.e., family
members) are approximately 6.3 percent; and non-military-related civilians are 88.6
percent. The military-related resident population, including children and adult
dependents, in Hawai‘i is thus 8.1 percent of the State resident population and 11.4
percent of the resident population of the City and County of Honolulu (the island of
O‘ahu).

\(^{27}\) “Military-related civilians” are “dependents” – otherwise known as family members – whose military
affiliation is courtesy of a recognized familial tie to an active duty military member, but who nevertheless
remain civilians.

\(^{28}\) “Non-military-related civilians” are persons who have never been part of the military and persons who
once were part of the military but have returned to civilian status following the end of an enlistment
contract, the resignation of a commission, or retirement (“civilian veterans”).

\(^{29}\) Percentages from Percent Distribution of DoD Military and Civilian Personnel by State – September 30,
2004. This document gives the numbers of active duty personnel by state, broken down by assignment to
each base within a state. Approximately 100 assigned military personnel, according to this list, are assigned
elsewhere than O‘ahu in Hawai‘i.
Sex/gender

In Honolulu County in 2004, the percent of the population at least 18 years of age and less than 65 years of age that was female was 50.8 percent, and percentage that was male was 49.2 percent. The military-related population is very different from these proportions. The active duty military is 85.1 percent male and 14.9 percent female (Caliber 2004: 11) – nearly all between the ages of 18 and 44. The Air Force has the highest proportion of female members at 19.6 percent, the Marines the lowest at 6.1 percent. (Ibid.: 11) Spouses of military members are nearly all female – 93.1 percent. (Ibid.:44) The gender proportions for the military-related population are skewed towards males, since males constitute the majority of active duty members. Less than half of men on active duty are unmarried (45.6%) while over half of the women on active duty are unmarried (55.6%). (See section E.)

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32 Caliber 2004 gives the numbers, percentages easily figured from this data.
**Age**

The age range in which most intimate partner violence occurs and the risk is greatest varies by population: in a study of a military population sample it is stated to be 18 to 36 years (McCarroll, et al. 1999), while a study of a civilian population found it to be 16 to 44 years (Mooney 2000). According to the 2004 Demographics Profile of the Military Community, 79.8 percent of military members are between the ages of 18 and 35 (n=1,412,133). The Profile organizes its age data in the following groupings:

| Table 2: Age of Active Duty Military Members  
<table>
<thead>
<tr>
<th>&lt;=25</th>
<th>26-30</th>
<th>31-35</th>
<th>36-40</th>
<th>&gt;=41</th>
</tr>
</thead>
<tbody>
<tr>
<td>47.5%</td>
<td>18.5%</td>
<td>13.8%</td>
<td>11.7%</td>
<td>8.5%</td>
</tr>
</tbody>
</table>

Seventy percent of spouses of military members are also between the ages of 18 and 35 (n=688,418):

| Table 3: Age of Spouses of Active Duty Military Members  
<table>
<thead>
<tr>
<th>&lt;=25</th>
<th>26-30</th>
<th>31-35</th>
<th>36-40</th>
<th>&gt;=41</th>
</tr>
</thead>
<tbody>
<tr>
<td>28.6%</td>
<td>21.6%</td>
<td>19.9%</td>
<td>15.8%</td>
<td>14.1%</td>
</tr>
</tbody>
</table>

Thus, the majority of the military-related population (excluding children under 18) is in the age range in which most violent incidents occur in intimate relationships.

The resident population of Honolulu County (including active duty military members and their family members) in 2004 between the ages of 18 and 44 (n=318,614), accounted for 25.2 percent of the total number of residents:

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33 Caliber 2004, p. 20. Summary of Table 2.28, Age of Active Duty Officers and Enlisted by Service Branch.

34 Caliber 2004, p. 44. My summary of their data.
Table 4: Age 18 - 44, Honolulu County Residents, 2004

(n = 318,614; Honolulu Co. Population = 1,262,840; 25.2%)

<table>
<thead>
<tr>
<th>Age</th>
<th>18-19</th>
<th>20-24</th>
<th>25-34</th>
<th>35-44</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>20,583</td>
<td>53,710</td>
<td>116,294</td>
<td>128,027</td>
</tr>
<tr>
<td>%</td>
<td>6.46%</td>
<td>16.86%</td>
<td>36.5%</td>
<td>40.18%</td>
</tr>
</tbody>
</table>

The military-related population is younger overall than the entire resident population - a function of the pattern of military service, in which young men and women serve during their 20s and 30s, most return to civilian status after one or two tours of duty (about four to twelve years), and most careerists have retired by age 40. This difference can be clearly shown by comparison of the median ages of military members and the civilian population:

Table 5: Median Age - Comparison of Active Duty Military and Honolulu County Resident Population, 2004 (Caliber 2004: 28; ACS 2004)

<table>
<thead>
<tr>
<th>Army</th>
<th>Navy</th>
<th>Marines</th>
<th>Air Force</th>
<th>Honolulu Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>28.3</td>
<td>28.5</td>
<td>25.1</td>
<td>29.4</td>
<td>37.9</td>
</tr>
</tbody>
</table>

The median age of military spouses is less than 25 years; spouses of officers are generally older and spouses of enlisted members are younger.

The median age of the total resident population of the state is 37.7 years. Median age of civilians is 38.7 years and of the military is 26.7 years.

The State of Hawai‘i summarizes its resident population by age, sex, and military status, as excerpted in table 6, which clearly shows that most of the active duty military on O‘ahu are age 20 to 30:

---

35 ACS 2004
36 Based on data in the 2004 Caliber Profile of the Military Community, p. 44.
Table 6: Hawai‘i Resident Population by Age, Sex, and Military Status

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Total</th>
<th>Military</th>
<th>% Total</th>
<th>Civilian</th>
<th>% Civilian</th>
<th>Male</th>
<th>% Male</th>
<th>Female</th>
<th>% Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>1,262,840</td>
<td>44,496</td>
<td>3.52</td>
<td>1,218,344</td>
<td>96.48</td>
<td>630,025</td>
<td>49.89</td>
<td>632,815</td>
<td>50.11</td>
</tr>
<tr>
<td>10-14</td>
<td>84,042</td>
<td>0</td>
<td>0</td>
<td>84,042</td>
<td>100</td>
<td>43,206</td>
<td>51.4</td>
<td>40,836</td>
<td>48.59</td>
</tr>
<tr>
<td>15-19</td>
<td>84,883</td>
<td>3,220</td>
<td>3.8</td>
<td>81,613</td>
<td>96.2</td>
<td>44,747</td>
<td>52.75</td>
<td>40,086</td>
<td>47.25</td>
</tr>
<tr>
<td>20-24</td>
<td>90,541</td>
<td>15,310</td>
<td>16.91</td>
<td>75,231</td>
<td>83.1</td>
<td>49,912</td>
<td>55.13</td>
<td>40,629</td>
<td>44.87</td>
</tr>
<tr>
<td>25-29</td>
<td>79,373</td>
<td>9,137</td>
<td>11.51</td>
<td>70,236</td>
<td>88.49</td>
<td>42,491</td>
<td>53.33</td>
<td>36,882</td>
<td>46.47</td>
</tr>
<tr>
<td>30-34</td>
<td>81,799</td>
<td>6,369</td>
<td>7.79</td>
<td>75,430</td>
<td>92.21</td>
<td>42,276</td>
<td>51.68</td>
<td>39,523</td>
<td>48.32</td>
</tr>
<tr>
<td>35-39</td>
<td>85,675</td>
<td>5,539</td>
<td>6.47</td>
<td>80,137</td>
<td>93.54</td>
<td>43,240</td>
<td>50.47</td>
<td>42,435</td>
<td>49.53</td>
</tr>
<tr>
<td>40-44</td>
<td>94,512</td>
<td>3,373</td>
<td>3.57</td>
<td>91,139</td>
<td>96.43</td>
<td>46,999</td>
<td>49.73</td>
<td>47,513</td>
<td>50.27</td>
</tr>
<tr>
<td>45-49</td>
<td>94,670</td>
<td>1,151</td>
<td>1.22</td>
<td>93,519</td>
<td>98.78</td>
<td>46,940</td>
<td>49.58</td>
<td>47,730</td>
<td>50.42</td>
</tr>
<tr>
<td>50-54</td>
<td>91,529</td>
<td>319</td>
<td>.35</td>
<td>91,210</td>
<td>99.65</td>
<td>45,302</td>
<td>49.49</td>
<td>46,227</td>
<td>50.51</td>
</tr>
<tr>
<td>55-59</td>
<td>79,412</td>
<td>69</td>
<td>.09</td>
<td>79,343</td>
<td>99.91</td>
<td>39,496</td>
<td>49.74</td>
<td>39,916</td>
<td>50.26</td>
</tr>
<tr>
<td>60-64</td>
<td>58,921</td>
<td>10</td>
<td>.02</td>
<td>58,911</td>
<td>99.98</td>
<td>28,656</td>
<td>48.63</td>
<td>30,265</td>
<td>51.37</td>
</tr>
<tr>
<td>&gt;=65</td>
<td>172,008</td>
<td>0</td>
<td>0</td>
<td>172,008</td>
<td>100</td>
<td>71,935</td>
<td>41.82</td>
<td>100,073</td>
<td>58.18</td>
</tr>
</tbody>
</table>

**Race/ethnicity**

I began this study thinking about Hawai‘i’s population in the way I’d been introduced to it: there are no racial or ethnic majorities in Hawai‘i. Assuming this is true, the state’s racial and ethnic composition present an invaluable opportunity for examining intimate partner violence: it mutes the effect of this variable in the analysis. Hawai‘i’s population differs greatly from the overall United States population. Using U.S. Census categories, the largest ethnic group is Asian-Americans (41.77%), which is composed of several ethnic groups, followed by Whites (26.51%). The U.S. population as a whole is 80.4 percent White, with the next largest ethnic group being Black/African-Americans at

---

37 The State of Hawai‘i Data Book 2004, combination of Tables 1.28 and 1.29
12.8 percent. Just over a fifth of the Hawai‘i population claims two or more ethnicities, where this is less than one percent of the U.S. total.\footnote{The Census counts both by single “races” or ethnicities – White Alone, Black Alone, American Indian/Alaskan Native (AIAN) Alone, Asian Alone, Native Hawaiian/Pacific Islander (NHPI) Alone – and by claims of multiple “races” or ethnicities, as provided by the persons completing its questionnaires.}

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>One Ethnicity</td>
<td>White Only</td>
<td>Black Only</td>
<td>AIAN\footnote{Census abbreviation: AIAN is American Indian or Alaskan Native.} Only</td>
<td>Asian Only</td>
</tr>
<tr>
<td>U.S. %</td>
<td>293,655,404</td>
<td>98.5</td>
<td>80.4</td>
<td>12.8</td>
<td>1</td>
<td>4.2</td>
</tr>
<tr>
<td>Hawai‘i %</td>
<td>624,223</td>
<td>79.9</td>
<td>26.5</td>
<td>2.2</td>
<td>.3</td>
<td>41.8</td>
</tr>
<tr>
<td>Honolulu Co. %</td>
<td>899,593</td>
<td>82.7</td>
<td>20.2</td>
<td>2.2</td>
<td>.1</td>
<td>47.4</td>
</tr>
<tr>
<td>Military %</td>
<td>1,412,133</td>
<td>99.6</td>
<td>64.0</td>
<td>18.3</td>
<td>1.6</td>
<td>4.1</td>
</tr>
<tr>
<td>Study %</td>
<td>770</td>
<td>62.3</td>
<td>29.0</td>
<td>11.2</td>
<td>.4</td>
<td>37.3</td>
</tr>
</tbody>
</table>

The military is nearly two-thirds White (alone) and the next largest race/ethnicity group is Black (alone). Military sources report that Hispanics account for around 9.0 percent of its members; however, because the Census counts “Hispanic” as a cultural attribute to be claimed in addition to race or ethnicity, I have counted claims to be Hispanic under “Other Race” when no other race or ethnicity was listed.

\footnote{Census abbreviation: AIAN is American Indian or Alaskan Native.}

\footnote{Census abbreviation: NHPI is Native Hawaiian or Pacific Islander.}
**Relationship**

Approximately 44.4 percent of women on active duty are married; 54.4 percent of men on active duty are married. (Caliber 2004: 29).

<table>
<thead>
<tr>
<th>Table 8: Average Age of Married Active Duty Members 42</th>
<th>Married, % by Sex 43</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>Navy</td>
</tr>
<tr>
<td>-------------</td>
<td>------</td>
</tr>
<tr>
<td>30.7</td>
<td>30.7</td>
</tr>
</tbody>
</table>

The average age at marriage of women in Hawai‘i in 2003 was 31 years of age. It was 33 years of age for men. 44 Military members thus marry at a slightly younger age than do civilians.

O‘ahu’s households in the 2000 Census number 205,672 45 and 91,022 of these – 44.3 percent – had children living in them. Married couples comprised 75.9 percent of total households (156,195); of these 45.1 percent had children (70,442). Households headed by a single woman were 17.1 percent of households; of these 14.9 percent had children (15,235). Households composed of unrelated persons were 39.3 percent of all households (80,778).

The military categorizes relationships only as married, divorced and single members in its statistics. Unmarried enlisted members through the rank of E5 are required to live in military barracks; senior enlisted members E6 through E9 who are not

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42 Caliber 2004, p. 28.

43 Caliber 2004, p. 29.

44 Hawai‘i Data Book 2004, Vital Statistics, Table 2.38.

45 Hawai‘i Data Book 2004, Table 1.45, Household Type and Relationship, 2000.
married may elect to live in civilian housing, though they are given a lesser housing allowance with which to accomplish this. Many share rentals with other enlisted military singles; an unknown number are co-habiting with intimate partners. Officers at all ranks may live either in military barracks or in civilian housing.

The military is somewhat less married than civilians; the Air Force has the most married members (58.9%) and the Marines the least (44.6%). (Ibid) Fewer military members are divorced.

<table>
<thead>
<tr>
<th>Table 9: Marital Status, as Percent of Active Duty Personnel 46</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td>52.9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 10: Marital Status, Residents Age 15 and Over, Honolulu County 2004 47</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex</td>
</tr>
<tr>
<td>-----</td>
</tr>
<tr>
<td>F</td>
</tr>
<tr>
<td>M</td>
</tr>
<tr>
<td>Tot.</td>
</tr>
</tbody>
</table>

Use of Chi-Square Tests to Compare Population Parameters

The Chi-Square tests for Goodness of Fit and Independence summarize the aggregate differences by which each observed frequency in a distribution deviates from the expected distribution (Lowry 2007; Witte and Witte 2004), allowing a comparison of


47 American FactFinder, Honolulu Co. 2004, Selected Social Characteristics
distributions of categorical observations. These tests are nondirectional and do not specify the contribution of any particular category of observations to the overall deviation from the expected distribution; however, they do indicate when distributions are similar or dissimilar. These tests are generally used with samples from populations to determine correspondence of sample and known population distributions. I have used these tests with this population, however, to compare observed frequencies of particular attributes of petitioners and respondents with expected frequencies determined by each group's representation in the study population, in an effort to determine whether attributes were more or less characteristic of groups of petitioners and respondents divided by gender and military status.

THE STUDY POPULATION

Data were collected from 420 intimate partner cases filed by 385 petitioners, for a total of 770 persons. Sex, petitioner/respondent, and military status were available for all persons in the study. Other demographic data were not available for all petitioners and respondents. Age and race/ethnicity were often missing; socioeconomic status, such as occupation, income and education were missing or unreliable for most.
Table 11: Study Petitioners and Respondents by Military Status, Age and Race/Ethnicity Category (n=770)

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Female Petitioners (n=324)</th>
<th>Male Petitioners (n=61)</th>
<th>Female Respondents (n=63)</th>
<th>Male Respondents (n=322)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Civilian (n=291)</td>
<td>Military (n=33)</td>
<td>Civilian (n=47)</td>
<td>Military (n=14)</td>
</tr>
<tr>
<td>Missing Data</td>
<td>159</td>
<td>10</td>
<td>25</td>
<td>1</td>
</tr>
<tr>
<td>White</td>
<td>39</td>
<td>7</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>Black</td>
<td>1</td>
<td>6</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>AIAN</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asian</td>
<td>52</td>
<td>7</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>NHPI</td>
<td>37</td>
<td>3</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Female Respondents (n=63)</td>
<td>Male Respondents (n=322)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Race/Ethnicity</td>
<td>Civilian (n=51)</td>
<td>Military (n=12)</td>
<td>Civilian (n=288)</td>
<td>Respondent (n=322)</td>
</tr>
<tr>
<td>Missing Data</td>
<td>25</td>
<td>1</td>
<td>95</td>
<td>9</td>
</tr>
<tr>
<td>White</td>
<td>4</td>
<td>7</td>
<td>38</td>
<td>7</td>
</tr>
<tr>
<td>Black</td>
<td>0</td>
<td>1</td>
<td>15</td>
<td>11</td>
</tr>
<tr>
<td>AIAN</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Asian</td>
<td>9</td>
<td>3</td>
<td>59</td>
<td>2</td>
</tr>
<tr>
<td>NHPI</td>
<td>10</td>
<td>0</td>
<td>65</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>0</td>
<td>15</td>
<td>1</td>
</tr>
</tbody>
</table>

The following tables summarize missing data for age and race/ethnicity. These data were available for the majority of petitioners and respondents.
Table 12: Missing Data, Study Population: Age

<table>
<thead>
<tr>
<th></th>
<th>Petitioners (n=385)</th>
<th>Respondents (n=385)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Have Data</td>
<td>Missing</td>
</tr>
<tr>
<td>Number</td>
<td>214</td>
<td>171</td>
</tr>
<tr>
<td>Percent</td>
<td>55.58</td>
<td>44.42</td>
</tr>
<tr>
<td>M</td>
<td>39</td>
<td>175</td>
</tr>
<tr>
<td>F</td>
<td>175</td>
<td>22</td>
</tr>
<tr>
<td>Number</td>
<td>63.93</td>
<td>54.01</td>
</tr>
<tr>
<td>Percent</td>
<td>93.17</td>
<td>74.6</td>
</tr>
</tbody>
</table>

Table 13: Missing Data, Study Population: Ethnicity

<table>
<thead>
<tr>
<th></th>
<th>Petitioners (n=385)</th>
<th>Respondents (n=385)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Have Data</td>
<td>Missing</td>
</tr>
<tr>
<td>Number</td>
<td>187</td>
<td>198</td>
</tr>
<tr>
<td>Percent</td>
<td>48.57</td>
<td>51.43</td>
</tr>
<tr>
<td>M</td>
<td>27</td>
<td>171</td>
</tr>
<tr>
<td>F</td>
<td>171</td>
<td>34</td>
</tr>
<tr>
<td>Number</td>
<td>44.26</td>
<td>52.78</td>
</tr>
<tr>
<td>Percent</td>
<td>67.7</td>
<td>58.73</td>
</tr>
</tbody>
</table>

**Sex/Gender**

On the parameter of sex, both the census estimate and the study population fall within the normal curve and are unexceptional. The $\chi^2$ test for two variables was used to test the differences between the census estimate and the study population. The null hypothesis that the male population was 49 percent and the female population was 51 percent of the total population was retained [$\chi^2(2, n=770)=.002, p<.05$]. This is an expected finding based on the social norm that intimate partners are heterosexual.

---

48 Based on Figure 2, Sex by Race and Hispanic Origin: 2000, showing a ratio of 96.1 men to 100 women, in "We the People: Women and Men in the United States," Census 2000 Special Reports, CENSR-20, Renee E. Spraggins, U.S. Census Bureau, issued January 2005.
Age

Age data for the civilian population on O'ahu were taken from the Hawai'i Data Book 2004, which is based on the 2000 Census and the annual population estimates done by the U.S. Census Bureau. The question is whether the study population and the ACS population estimate are different on the parameter of age. The measure used is the t test for two independent samples, which measures the difference between the means of two samples (i.e., the mean of the sampling distribution.) The null hypothesis is that there is no difference with regard to age between the ACS sample and the study population.

However, comparing the Census estimate sample (ages 13 through 64, state of Hawai'i) and the study population (also ages 13 through 64), for both sexes as well as on the female and male subsamples, this test finds that the observed t is much larger than the critical value of 1.96 (α=.05).

Total population: t = 4.57, df = 623434.4
Men: t = 2.02, df = 319435.4
Women: t = 4.49, df = 303997
CHART 1: STUDY POPULATION BY AGE

CHART 2: HONOLULU CO. POPULATION BY AGE
However, this was to be expected, given that intimate partner violence incidence is highest from ages 18 to 44; petitioners came to Court precisely because of their experience with such violence and respondents were summoned to the Court because of their involvement. Where the population of the county is more or less evenly distributed across the ages 13 to 60, the study population rises sharply from age 13 to 25 and falls sharply again from 40 to 64. The majority of cases involving intimate partner violence occur between the ages between 20 and 40. The difference between the resident population and the study population is clearly visible in Charts 1 and 2.

**Race/Ethnicity**

On the parameter of ethnicity, the Census Population Estimate for state of Hawai‘i and the study population differ. The null hypothesis was that the population and the study population are not different. However, using the $\chi^2$ test to compare the differences between expected and observed frequencies, this hypothesis was rejected on all comparisons, except for American Indian/Alaskan Natives claiming only one race/ethnicity. The males in the study population were more different from the Honolulu population than were females. There are large differences between expected and observed frequencies of Black, White, Asian and Native Hawaiian/Pacific Islander males, i.e., there were fewer White and Asian males and more Black and Native Hawaiian/Pacific Islander males observed than expected. There were fewer White and Asian females observed than expected.
In Bureau of Justice Statistics for the United States as a whole, the majority of perpetrators of violence against spouses were White males (Bancroft 2002: 47; Durose et al. 2005: 11, 13)\(^49\) – 86.1 percent of these offenders are male, 82.5 percent of these are White males – and 84.3 percent of their victims are female, of whom 76.8 percent are White. (This is consistent with the race/ethnicity composition of the continental states, which are majority White (80.4%)\(^50\).) Black male offenders were 11.5 percent of those committing this type of violence against spouses; Black women were 10.9 percent of victims (Durose et al. 2005: 11, 13) (The Black population of the United States is 12.8%\(^31\))

<table>
<thead>
<tr>
<th>Category</th>
<th>Value of $\chi^2$</th>
<th>df</th>
<th>Critical value</th>
<th>Direction of difference from expected values</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Males</td>
<td>86.6</td>
<td>df = 4</td>
<td>9.49</td>
<td></td>
</tr>
<tr>
<td>All Females</td>
<td>21.98</td>
<td>df = 4</td>
<td>9.49</td>
<td></td>
</tr>
<tr>
<td>Both Sexes</td>
<td>80.41</td>
<td>df = 4</td>
<td>9.49</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>31.01</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
<tr>
<td>Black</td>
<td>46.54</td>
<td>df = 2</td>
<td>5.99</td>
<td>More</td>
</tr>
<tr>
<td>AIAN</td>
<td>1</td>
<td>df = 2</td>
<td>5.99</td>
<td>No difference</td>
</tr>
<tr>
<td>Asian</td>
<td>25.62</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
</tbody>
</table>

\(^{49}\) Race/ethnicity data were more complete for victims than for offenders, who were collapsed into the categories White, Black and Other in these studies.

\(^{50}\) States: July 1, 2005 (SC-EST2004-04), Source: Population Division, U.S. Census Bureau, Release Date: August 11, 2005

\(^{31}\) Ibid, States
Table 14: Race/Ethnicity: Comparison of Differences Between Hawai‘i Population and Study Population

<table>
<thead>
<tr>
<th>Category</th>
<th>Value of $\chi^2$</th>
<th>df</th>
<th>Critical value</th>
<th>Direction of difference from expected values</th>
</tr>
</thead>
<tbody>
<tr>
<td>NHPI</td>
<td>4.41</td>
<td>df = 2</td>
<td>5.99</td>
<td>More</td>
</tr>
<tr>
<td>Two or More</td>
<td>49.5</td>
<td>df = 2</td>
<td>5.99</td>
<td>More</td>
</tr>
<tr>
<td>One Race</td>
<td>12.08</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
</tbody>
</table>

Race/Ethnicity Alone or in Combination

<table>
<thead>
<tr>
<th>Category</th>
<th>Value of $\chi^2$</th>
<th>df</th>
<th>Critical value</th>
<th>Direction of difference from expected values</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Males</td>
<td>163.91</td>
<td>df = 4</td>
<td>9.49</td>
<td></td>
</tr>
<tr>
<td>All Females</td>
<td>26.63</td>
<td>df = 4</td>
<td>9.49</td>
<td></td>
</tr>
<tr>
<td>Both Sexes</td>
<td>119.32</td>
<td>df = 4</td>
<td>9.49</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>25.0</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
<tr>
<td>Black</td>
<td>41.91</td>
<td>df = 2</td>
<td>5.99</td>
<td>More</td>
</tr>
<tr>
<td>AIAN</td>
<td>5.45</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
<tr>
<td>Asian</td>
<td>49.86</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
<tr>
<td>NHPI</td>
<td>68.32</td>
<td>df = 2</td>
<td>5.99</td>
<td>More</td>
</tr>
</tbody>
</table>

Race/Ethnicity Alone and Race/Ethnicity Alone or in Combination

<table>
<thead>
<tr>
<th>Category</th>
<th>Value of $\chi^2$</th>
<th>df</th>
<th>Critical value</th>
<th>Direction of difference from expected values</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Males</td>
<td>35.87</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
<tr>
<td>White Females</td>
<td>20.14</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
<tr>
<td>Black Males</td>
<td>74.57</td>
<td>df = 2</td>
<td>5.99</td>
<td>More</td>
</tr>
<tr>
<td>Black Females</td>
<td>2.05</td>
<td>df = 2</td>
<td>5.99</td>
<td>No difference</td>
</tr>
<tr>
<td>AIAN Males</td>
<td>4.2</td>
<td>df = 2</td>
<td>5.99</td>
<td>No difference</td>
</tr>
<tr>
<td>AIAN Females</td>
<td>2.25</td>
<td>df = 2</td>
<td>5.99</td>
<td>No difference</td>
</tr>
<tr>
<td>Asian Males</td>
<td>52.96</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
<tr>
<td>Asian Females</td>
<td>22.55</td>
<td>df = 2</td>
<td>5.99</td>
<td>Fewer</td>
</tr>
<tr>
<td>NHPI Males</td>
<td>71.11</td>
<td>df = 2</td>
<td>5.99</td>
<td>More</td>
</tr>
<tr>
<td>NHPI Females</td>
<td>1.62</td>
<td>df = 2</td>
<td>5.99</td>
<td>No difference</td>
</tr>
</tbody>
</table>
Fewer persons in the study population claimed only one race/ethnicity than do so in the resident population; nearly twice as many claimed two or more races/ethnicities as do so in the resident population.

A visual representation of the comparison of the Hawai‘i population to the study population shows that the greatest differences between them is in the categories Black and Native Hawaiian/Pacific Islander, and in the proportion of the population claiming only one race/ethnicity and two or more races/ethnicities.

**CHART 3: COMPARISON OF HAWAI‘I POPULATION TO STUDY POPULATION**

*Relationship*

Petitions for restraining orders often had more than one relationship checked.

This study used the following hierarchy in assigning petitions to relationship categories
for data analysis — the highest ranked relationship checked on a petition is the category to which a petition was assigned:

1. Married (alone or with Children in Common)
2. Divorced (alone or with Children in Common or Lived Together)
3. Children in Common (alone or with Living Together, Lived Together or Dating)
4. Living Together (alone or with Dating)
5. Lived Together (alone or with Dating)
6. Dating (alone)

The lowest three categories required that the petitioner also check that the relationship was “romantic/intimate/sexual” or that the petition contained other information indicating the relationship was one between intimate partners.

Of 420 intimate-partner petitions, petitioners claimed the relationship with the respondent was “Married” on 36.4 percent of petitions; “Divorced” on 9.3 percent; “Children in Common” on 22.9 percent; “Living Together” on 4.8 percent; “Lived Together” on 10.7 percent; and “Dating” on 16.0 percent.

“Relationship” as discussed here does not refer to the quality of interaction between members of a dyad, but only to the existence of an intimate relationship; the “length of relationship” merely indicates how long they have known one another or been associated at the time the petition was filed (see The Study Population for how this was constructed).
Nearly a fifth of all dyads had been in the relationship less than one year (civilian, 17.8%; military-related, 19.2%). About half of all dyads had been in the relationship less than five years (civilian, 42.9%; military-related, 57.5%). Nearly three quarters of dyads had been in the relationship less than 10 years. Very few dyads had been together more than 20 years, but nearly twice as many military-related dyads as civilian dyads had relationships that were this old (civilian, 2.4%; military-related, 4.3%).

Military-related dyads were slightly more than twice as likely to be married as civilian dyads (civilian, 32.3%; military-related, 63.8%). Civilian dyads were nearly three times more likely to be cohabiting than were military-related dyads (civilian, 41.7%; military-related, 14.9%). Military rules that require military members to live in base barracks unless married are likely to account for the greater tendency of military-related dyads to be married rather than cohabiting. Married and cohabiting relationships are each more than a third of all relationships (married, 36.1%; cohabiting, 38.4%). In the 2000 Census, married couples constituted 53.6 percent of family households, and family households were 71.2 percent of all households (2000 Census). The dyads represented in the restraining order files are much less likely, as a whole, to be married than the general population on O‘ahu.

**Married.** Half of these military-related dyads had been married less than five years. Only 18.4 percent of married civilian dyads had been married less than five years; however, over half of these dyads had been married less than 10 years (57.8%). Seventy percent of the married military-related dyads had been married less than 10 years.
Divorced. A few civilian dyads had been married and divorced in less than a year (3.1%). A third of military-related dyads were married and divorced in under five years (none in under one year). Nearly all (99.7%) military-related dyads had relationships that were less than 15 years old. Half of civilian dyads had relationships less than 10 years old (50.0%) and most had relationships that were less than 15 years old (80.9%). Unfortunately, in at least 16 percent of relationships marred by IPV, divorce does not end an abusive partner’s controlling and violent behaviors – and the “relationship” is continued in another form.
CHART 5: DIVORCED, APPROXIMATE LENGTH OF RELATIONSHIP WHEN TRO PETITION WAS FILED

CHART 6: COHABITING, APPROXIMATE LENGTH OF RELATIONSHIP WHEN TRO PETITION WAS FILED
Cohabitating. This is relationships the court terms “children in common,” “living together,” and “lived together,” without a previous marriage in evidence. “Children in common” constitutes the majority of cohabiting relationships. Five percent of these relationships involve military-related dyads; 95 percent involve civilian dyads. Among cohabiting dyads, 18.2 percent had been together less than a year, 53.4 percent had been together less than five years, and 81.1 percent had been together less than 10 years.

Dating. Similar percentages of civilian and military-related dyads reported dating relationships (civilian, 16.6%; military-related, 14.9%). Over half of military-related dyads in dating relationships had been together less than a year and 100 percent had been together less than five years. Among civilian dyads, 44.6 percent of these relationships were less than a year old and 83.1 percent were less than five years old. However, two civilian dyads claiming dating relationships had been together more than 15 years and 2 more had been together between 10 and 15 years — a length that suggests that these are more probably cohabiting couples.

The data on relationships suggests that women do leave abusive relationships and do so within a few months or years.
The charts in this section describe the data in Table 15.

Table 15: Length of Relationship by Relationship Category (in years)

<table>
<thead>
<tr>
<th>Length of Rel.</th>
<th>&lt;1</th>
<th>&gt;=1 and &lt;5</th>
<th>&gt;=5 and &lt;10</th>
<th>&gt;=10 and &lt;15</th>
<th>&gt;=15 and &lt;20</th>
<th>&gt;=20</th>
<th>% by Rel.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1: Civilian, married</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>9</td>
<td>11</td>
<td>43</td>
<td>23</td>
<td>19</td>
<td>4</td>
<td>109</td>
</tr>
<tr>
<td>%</td>
<td>8.3%</td>
<td>10.1%</td>
<td>39.5%</td>
<td>21.1%</td>
<td>17.4%</td>
<td>3.7%</td>
<td>32.3%</td>
</tr>
<tr>
<td>Category 1: Military-related, married</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>3</td>
<td>12</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>%</td>
<td>10.0%</td>
<td>40.0%</td>
<td>20.0%</td>
<td>16.7%</td>
<td>10.0%</td>
<td>3.3%</td>
<td>63.8%</td>
</tr>
<tr>
<td>Category 2: Civilian, divorced</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
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<td>3</td>
<td>12</td>
<td>5</td>
<td>11</td>
<td>0</td>
<td>32</td>
</tr>
<tr>
<td>%</td>
<td>3.1%</td>
<td>9.4%</td>
<td>37.5%</td>
<td>15.6%</td>
<td>34.4%</td>
<td>0</td>
<td>9.5%</td>
</tr>
<tr>
<td>Category 2: Military-related, divorced</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No.</td>
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<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>%</td>
<td>0</td>
<td>33.3%</td>
<td>0</td>
<td>66.7%</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Category 3: Civilian, children in common</td>
<td>No.</td>
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<td>31</td>
<td>29</td>
<td>12</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
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<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>%</td>
<td>2.4%</td>
<td>37.8%</td>
<td>35.4%</td>
<td>14.6%</td>
<td>6.1%</td>
<td>3.7%</td>
<td>24.3%</td>
</tr>
<tr>
<td>Category 3: Military-related, children in common</td>
<td>No.</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>%</td>
<td>-</td>
<td>33.3%</td>
<td>-</td>
<td>33.3%</td>
<td>-</td>
<td>33.3%</td>
<td>6.4%</td>
</tr>
<tr>
<td>Category 4: Civilian, living together</td>
<td>No.</td>
<td>8</td>
<td>5</td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>%</td>
<td>40.0%</td>
<td>25.0%</td>
<td>30.0%</td>
<td>-</td>
<td>5.0%</td>
<td>-</td>
<td>5.9%</td>
</tr>
<tr>
<td>Category 5: Civilian, Lived together</td>
<td>No.</td>
<td>15</td>
<td>14</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>%</td>
<td>38.5%</td>
<td>35.9%</td>
<td>15.4%</td>
<td>7.7%</td>
<td>2.6%</td>
<td>-</td>
<td>11.5%</td>
</tr>
<tr>
<td>Category 5: Military-related, lived together</td>
<td>No.</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>%</td>
<td>50.0%</td>
<td>25.0%</td>
<td>-</td>
<td>25.0%</td>
<td>-</td>
<td>-</td>
<td>8.5%</td>
</tr>
<tr>
<td>Category 6: Civilian, dating</td>
<td>No.</td>
<td>25</td>
<td>21</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>%</td>
<td>44.6%</td>
<td>37.5%</td>
<td>10.7%</td>
<td>3.6%</td>
<td>1.8%</td>
<td>1.8%</td>
<td>16.6%</td>
</tr>
<tr>
<td>Category 6: Military-related, dating</td>
<td>No.</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>%</td>
<td>57.1%</td>
<td>42.9%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>14.9%</td>
</tr>
<tr>
<td>Civilian, Column Totals and percentages by years</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;1</td>
<td>&gt;=1 to &lt;=5</td>
<td>&gt;5 to &lt;=10</td>
<td>&gt;10 to &lt;=15</td>
<td>&gt;15 to &lt;=20</td>
<td>&gt;20</td>
<td>Total petitions</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>88</td>
<td>88</td>
<td>88</td>
<td>88</td>
<td>88</td>
<td>88</td>
<td>88</td>
</tr>
</tbody>
</table>
### Table 15: Length of Relationship by Relationship Category (in years)

*n = 385 dyads (civ. = 338, mil. = 47)*

<table>
<thead>
<tr>
<th>Length of Rel.</th>
<th>&lt;1</th>
<th>&gt;=1 and &lt;5</th>
<th>&gt;=5 and &lt;10</th>
<th>&gt;=10 and &lt;15</th>
<th>&gt;=15 and &lt;20</th>
<th>&gt;=20</th>
<th>% by Rel.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>60</td>
<td>85</td>
<td>102</td>
<td>45</td>
<td>38</td>
<td>8</td>
<td>338</td>
</tr>
<tr>
<td>%</td>
<td>17.8%</td>
<td>25.2%</td>
<td>30.2%</td>
<td>13.3%</td>
<td>11.3%</td>
<td>2.4%</td>
<td>87.8%</td>
</tr>
</tbody>
</table>

*Military-related, Total and percentages by years*

<table>
<thead>
<tr>
<th>No.</th>
<th>9</th>
<th>18</th>
<th>6</th>
<th>9</th>
<th>3</th>
<th>2</th>
<th>47</th>
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</thead>
<tbody>
<tr>
<td>%</td>
<td>19.2%</td>
<td>38.3%</td>
<td>12.8%</td>
<td>19.2%</td>
<td>6.4%</td>
<td>4.3%</td>
<td>12.2%</td>
</tr>
</tbody>
</table>

**Employment**

These data were reported in many restraining order files and in nearly all divorce files. However, the most reliable datum is whether a person was employed or unemployed – information about income is only included in divorce files and it is more common for employers to be listed (as part of locating a respondent for service) than occupations. This table summarizes the information that was available and is included only to indicate that petitioners and respondents in the Family Court come from all parts of the community – they are not simply poor, working class, minority, or uneducated persons. Several petitioners and respondents were professionals (doctors, lawyers, university professors) and several were owners of small businesses. One respondent is a Chief Executive Officer with a six-figure income.
<table>
<thead>
<tr>
<th>Employment</th>
<th>Ethnicity</th>
<th>Unemployed or No Data</th>
<th>Range of Monthly Income ($)</th>
<th>Employed</th>
<th>Range of Monthly Income ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female Petitioner</td>
<td>Missing Ethnicity</td>
<td>60</td>
<td>108</td>
<td>0 – 2523.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>White</td>
<td>9</td>
<td>37</td>
<td>468.00 – 6760.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>2</td>
<td>5</td>
<td>2698.00 – 3528.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AIAN</td>
<td>1</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>10</td>
<td>49</td>
<td>300.00 – 6806.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NHPI</td>
<td>14</td>
<td>26</td>
<td>800.00 – 8000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
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<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male Petitioner</td>
<td>Missing Ethnicity</td>
<td>8</td>
<td>19</td>
<td>2761.00 – 5085.00</td>
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</tr>
<tr>
<td></td>
<td>White</td>
<td>0</td>
<td>19</td>
<td>1300.00 – 6150.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>0</td>
<td>2</td>
<td>3066.00 – 3263.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AIAN</td>
<td>0</td>
<td>0</td>
<td>2697.00 – 4800.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>1</td>
<td>8</td>
<td>4104.00 – 5263.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NHPI</td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female Respondent</td>
<td>Missing Ethnicity</td>
<td>19</td>
<td>7</td>
<td>1666.00 – 5122.00</td>
<td></td>
</tr>
<tr>
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<td>White</td>
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</tr>
<tr>
<td></td>
<td>AIAN</td>
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<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>3</td>
<td>9</td>
<td>800.00 – 2000.00</td>
<td></td>
</tr>
<tr>
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<td>NHPI</td>
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<td>4</td>
<td>800.00 – 2260.00</td>
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</tr>
<tr>
<td></td>
<td>Other</td>
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<td>1</td>
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</tr>
</tbody>
</table>
Table 16: Employment

<table>
<thead>
<tr>
<th>Employment</th>
<th>Ethnicity</th>
<th>Unemployed or No Data</th>
<th>Range of Monthly Income ($)</th>
<th>Employed</th>
<th>Range of Monthly Income ($)</th>
</tr>
</thead>
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<td>Ethnicity</td>
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<td>712 - 1320</td>
<td>23</td>
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<td>11</td>
<td>1170.00 - 6266.00</td>
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These data may indicate a tendency for the women in the study population, whether petitioners or respondents, to be less economically secure than the men.
CHAPTER 3

HAWAI’I’S STATUTORY FRAMEWORK FOR INTIMATE PARTNER VIOLENCE

The Process Briefly

The process for obtaining a civil protective order (CPO) in Hawai‘i begins with the filing of a petitioner for a temporary restraining order (TRO) in which the petitioner sets out her allegations of abuse against her by the respondent. If a judge finds the allegations meet the requirements of the law, a TRO may be issued for a period of no more than 90 days. A hearing is held within 15 days, at which the respondent is required to appear and convince a judge that the TRO should not be extended into a “permanent” Order for Protection. A woman coming to court seeking protection from an intimate partner is making her partner’s abusive acts and words a matter of public record. The TRO and Order for Protection are public remedies recognizing the institutional and structural origins of these personal troubles.

Hawai‘i’s definition of domestic violence

The Hawai‘i Revised Statutes do not define “intimate partner violence.” Rather, they define “domestic abuse,” in Chapter 586, “Domestic Abuse Protective Orders”:

52 CPO are civil matters and so the person requesting the order (by filing a petition with the court) is called the “petitioner” and the person against whom the petition is filed is called the “respondent,” and required to come to court to answer the allegations made by the petitioner.

53 Orders for Protection may be granted for periods of a few months or, in Hawai‘i, for enough years that they are essentially “for life.” Most are issued for three years or less and a significant portion are dissolved before they expire. The appellation “permanent” is used to distinguish them from the “temporary” restraining order — both orders provide injunctive relief to the petitioner.
“Domestic abuse” means:

(1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members; or

(2) Any act which would constitute an offense under section 709-906 [Offenses Against the Family and Against Incompetents: Abuse of a Family or Household Member; penalty], or under part V or VI of chapter 707 [Offenses Against the Person: Sexual Offenses and Child Abuse] committed against a minor family or household member by an adult family or household member. (HRS §586-1)

Hawaii provides victims of intimate partner violence – including threats of violence, psychological abuse, and coercive control – as well as victims of other forms of family violence, neglect and coercive control – with both civil and criminal redress for these injuries. Along with other states, Hawaii has created a separate criminal statute for domestic violence – Abuse of a Family or Household Member, HRS §709-906.

“Creating domestic violence crimes distinct from the already existing assault and battery statutes was intended to call attention to these crimes and underscore the state’s commitment to protecting battered women. To help ensure compliance with court orders, the majority of the states have also criminalized violation of a civil restraining order.”

(Goodmark 2004: 14) Such violence as assault, murder, rape and sexual assault, and attempts to do any of these; threats of such harm; kidnapping and unlawful imprisonment; harassment and stalking; property theft and damage; burglary and trespass committed against a current or former intimate partner may all be reported to the police and prosecuted by the Prosecuting Attorney – just as when these acts are committed against neighbors, acquaintances, or strangers. In addition to criminal sanctions, victims may also pursue civil action in the Family Court. The major relief provided here is injunctive.
Victims may petition the Family Court for temporary restraining orders and ask to have these extended into protective orders. The penalty for violation of these orders is criminal contempt of court, a misdemeanor offense. Other relief may be had in the form of legal separations and divorce, determination of paternity and orders for child support.

The Civil Process – Temporary Restraining Orders and Orders for Protection

What is a restraining order?

Temporary restraining orders (TRO) are issued as brief, injunctive remedies for emergencies or in exceptional circumstances. These orders are issued upon the strength of a petitioner's sworn affidavit that "immediate and irreparable injury, loss, or damage will result" (Black 1990: 1484) before the respondent can be heard by the court. As an injunction, a TRO specifically prohibits the respondent from performing certain acts (Black 1990: 784). The duration of such an order is quite short; domestic violence TROs in Hawai‘i are issued for only 90 days (HRS §586-5 (a)). An Order to Show Cause (OSC) hearing is scheduled within a short time after the TRO is granted, at which time the respondent is afforded an opportunity to show why the order should not continue; in Hawai‘i this hearing is held within 15 days after the TRO is granted (HRS §586-5 (b)). At this hearing, the TRO may be dissolved for lack of prosecution (failure of the petitioner – or the police – to have the order served on the respondent or of the petitioner

54 From 1987 to 1998, petitioners who were not living with their abuser were required to file in District Court rather than the First Circuit Family Court, under HRS §604-10.5. Before 1987, such petitioners were ineligible for restraining orders.

55 The person who seeks the order is called the "Petitioner" and the person against whom the order is sought is called the "Respondent."
to show up at the hearing), lack of evidence, at the request of the petitioner or by agreement of the parties (petitioner and respondent, during the OSC hearing). The order may be extended into a permanent injunction (which, despite the term, has an expiration date), usually called an Order for Protection, by order of the court (when it finds that there has been violence or other abuse) or by agreement of the parties.

The Family Court has exclusive jurisdiction (HRS§586-2) over civil restraining and protection orders involving persons in family relationships or who live in the same household (HRS §586-3).

In the context of domestic violence (including intimate partner violence), a temporary restraining order does the following:

The order shall enjoin the respondent or person to be restrained from performing any combination of the following acts:

1. Contacting, threatening, or physically abusing the protected party;
2. Contacting, threatening, or physically abusing any person residing at the protected party’s residence; or
3. Entering or visiting the protected party’s residence. (HRS §586-4(a))

The TRO may also make temporary provisions for the custody of minor children and for exclusive occupation of a shared residence. Violations of restraining orders are misdemeanors punishable by jail sentences and fines (HRS §586-4(d)).

Who may obtain a restraining order?

§586-3 Order for protection.
(a) There shall exist an action known as a petition for an order for protection in cases of domestic abuse."
(b) A petition for relief under this chapter may be made by:
(1) Any family or household member on the member’s own behalf or on behalf of a family or household member who is a minor or who is an incapacitated person as defined in section 560:5-102 or a person who is physically unable to go to the appropriate place to complete or file the petition on behalf of that person.
Chapter 586 of the Hawai‘i Revised Statutes, “Domestic Abuse Protective Orders,” sets out the legal requirements for courts to issue restraining orders in the context of domestic violence, the procedures for petitioning the court for such an order, who may make the petition, and the penalties for violation of these orders. The first requirement is that petitioners must belong to the class “family or household member”:

Family or household member” means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship. (HRS §586-1)

Excepting dating relationships, this definition simply requires that the person being abused and the person doing the abusing live under the same roof. Dating relationships are further defined:

"Dating relationship” means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context. (HRS§586-1)

Petitioners frequently employ a different definition of “dating” that includes cohabiting relationships, often of many years’ duration.

How does one obtain a restraining order?

HRS §586-3 “Order for protection (c) A petition for relief shall be in writing upon forms provided by the court and shall allege, under penalty of perjury, that: a past act or acts of abuse may have occurred; threats of abuse make it probable that acts of abuse may be imminent; or extreme psychological abuse or malicious property damage is imminent; and be accompanied by an affidavit made under oath or a statement made under penalty of perjury stating the specific facts and circumstances from which relief is sought.
(d) The family court shall designate an employee or appropriate nonjudicial agency to assist the person in completing the petition.
On the Hawai‘i Judiciary website6 are directions for obtaining a temporary restraining order and extending it into a protective order. These directions begin with the following statements:

You have a right to live in a safe environment, free from the threat of harm from a family member or acquaintance. If someone you know is engaging in a pattern of harassment (including physical or sexual violence, verbal threats, property damage or stalking), you can seek protection by obtaining a temporary restraining order (TRO) against the perpetrator. If you need to extend your protection for up to three years, you can obtain an injunction.

If granted, the order sets guidelines aimed at protecting you. This can include prohibiting the defendant from calling or visiting you. (www.courts.state.hi.us/page_server/SelfHelp/Protective Orders/)

Note that domestic violence, in all its forms, is described as “harassment.” In the Oxford Dictionary, “harass” is defined as “to trouble or annoy continually or repeatedly.” (Oxford 1995: 618) Black’s Law, quoting 18 U.S.C.A. §1514(c)(1), defines harassment as “… a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose” and continues: “[The] term is used in a variety of legal contexts to describe words, gestures and actions which tend to annoy, alarm and abuse (verbally) another person.” (Black 1990: 717) In this context, equating domestic violence with harassment is to reduce the criminal, coercive actions of an abuser to annoying, though alarming, behavior on a par with neighborhood disagreements, an example of minimizing the importance and effects of violence against women. Petitioners are also wrongly informed that orders for protection may be granted for only three years, which is contrary to the change in the law as of the 2001 code, in which HRS §586-5.5 was amended to remove this time limit. The text of this section

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6 Hawai‘i State Judiciary — Self-Help — Protective Orders (as of 7-31-2005 and 12-26-2006)

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now reads “... the court may order that a protective order be issued for a further fixed reasonable period as the court deems appropriate.” A further problem with these statements involves relationships, which are crucial to the Court’s jurisdiction: an “acquaintance” is not a relationship within the Family Court’s jurisdiction – cases involving these relationships would be heard in District Court. This lack of precision in the instructions given to petitioners demonstrates a remaining perception by the Court and its employees that domestic violence is less serious than other violence (as well as a persistent understaffing of a very busy court).

Petitioners are directed to call the Adult Services Branch (ASB)\textsuperscript{37} of the Family Court and describe their situation. If this meets the requirements of the law (as set out in HRS §586-3 (quoted above), petitioners are then scheduled to come to ASB. This appointment takes more than half a day to complete. Petitioners are directed to bring with them dates of abusive acts and threats, descriptions of physical and psychological abuse and property damage, documentation such as police and medical records, and information as to whether the respondent has a gun and has threatened to use it against the petitioner. ASB workers inform petitioners of the process, help them to complete the petition and service forms, take the completed petitions to the Court for review and approval by a judge, file and then distribute the resulting orders, along with written directions for getting approved orders served by the police. The TRO is effective on the

\textsuperscript{37} ASB is the agency appointed to aid petitioners in completing the process of petitioning the Court for a TRO.
day it is filed at the Court, but the respondent cannot be held responsible for violating it until he or she has received a copy of it (been “personally served”).

Orders that are denied are stamped with this phrase: "No reasonable belief that petitioner or household or family members are in imminent danger of domestic abuse by respondent." This stamp takes the place of a judge writing an explanation for the denial. Family Court judges do not write minutes explaining these decisions.

Petitioners are not charged a filing fee for the petition or for service of the order by the police, though there is a $15.00 fee for any subsequent motions to amend, extend or dissolve the order.

An Order to Show Cause (OSC) accompanies the TRO for service, notifying the parties of the OSC hearing date, at which the respondent is required to show cause why the order should not continue. Petitioners are responsible for service of the TRO, though police officers are the only persons authorized to actually serve the TRO. Petitioners are directed to take the order to the police station nearest the respondent’s residence, to give two copies to the officers there, give the police the addresses of places where the respondent can be found and the times he (or she) can be found there, and to check back with the police before the OSC date to discover whether and when the order was served. (Police officers are required to file completed Proof of Service forms with the Court, but frequently do not do so by the date of the OSC hearing.)

The OSC hearing may require another four hours (or longer), as the Court requires everyone associated with a case on the day’s docket to arrive at the start of hearings in the
morning or the afternoon and to stay until the case is heard and orders are filed and served.

At the OSC hearing, a judge will hear testimony and review evidence submitted by both parties, then decide whether to grant an Order for Protection and for how long. Petitioners are warned: “If you do not appear [at the OSC hearing], your petition will be dismissed, even if the respondent hasn’t been served with a copy of the TRO.” Court practice during the study period was generally not to dismiss these orders because a petitioner failed to appear, but rather to take no further action (nfa) and allow the temporary orders to expire on their 90th day. Of the 401 petitions granted, 324 TRO were served (80.8%), 224 became Orders for Protection (55.9%), 40 of the served TRO were allowed to expire with no further action (12.4%); 77 were not served (19.2%) and 57 of these were allowed to expire with no further action (74%). Where the petitioner was not present for the OSC (45 cases, 11.2%), 34 TRO were allowed to expire with no further action (75.6%).

Making a petition to the court for a TRO and following through to get an Order for Protection require a great deal of time, effort, and organization on the part of a petitioner, and are particularly difficult for women with children and limited resources. A large proportion of TROs (19.2% of this population) are never served – in court minutes this is often noted as a “lack of prosecution” and “petitioner failed” to pick up the TRO and serving instructions from ASB or to take these to the police. Given the obstacles facing abused women, changes to the process that have ASB workers collect the information needed by police to find respondents and electronic or messenger
transmission by ASB to the police would result in a much higher service rate and remove some of the obstacles facing victims seeking protection.

The Criminal Process – Abuse of a Family or Household Member

The main criminal charge made for abusive actions towards a family member or another person living in the same household as the abuser is “Abuse of a Family or Household Member,” HRS §709-906, which is usually a misdemeanor criminal offense, but may also be charged as a felony (HRS §709-906(5) through (7)). The Family Court has exclusive original jurisdiction over cases charged under this statute (HRS §603-21.5 (a)-(b), §571-3, and especially, §571-14) Abuse of an intimate partner (or family member or other household member) may also be charged under other criminal statutes for murder, rape and sexual assault, assault, kidnapping and unlawful imprisonment, terroristic threatening, burglary, robbery, criminal trespass, harassment, stalking, intimidation of a witness, and interfering with the reporting of an emergency or crime.

What is abuse of a family or household member?

HRS §709-906 Abuse of family or household members; penalty.
(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4).
For the purposes of this section, ‘family or household member’ means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons who have a child in common, parents, children, person related by consanguinity, and person jointly residing or formerly residing in the same dwelling unit.

The criminal charge “Abuse of a Family or Household Member,” which consists of penalties for physical abuse of a person belonging to this class, was enacted in 1973
(Act 189, Session Laws 1973) "... to provide protection to a spouse from being physically abused by the other spouse." (Commentary on §709-906) The Commentary appended to this Section in the Hawai‘i statutes adds this excerpt from Standing Committee Report No. 838 (1973):

"It is apparent today that there is little, if any, protection for a spouse beaten by the other spouse . . .

This bill is intended to alleviate this problem to a certain extent. A police officer, upon arrival at the scene, is given the power to arrest if the offense is committed in his presence. Section 571-14(2)(B) gives the family court exclusive jurisdiction over any adult charged with an offense, other than a felony, against the person of the defendant’s husband or wife. Section 571-42 establishes the procedure to be followed in such cases. It is intended by your Committee that these laws be enforced to the extent that they will afford the abused spouse the necessary protection needed. Further, unless it appears adverse to the best interests of all concerned, the family unity should be retained without the necessity of the abusing spouse being branded as a ‘criminal.’ Toward this end, the courts are asked to aid these persons needing its assistance in order that they may be rehabilitated. [Emphasis added.]

The emphasis on preserving the family and avoiding the labeling of an abusive spouse (usually male) as a criminal closely resembles the language used in the sections of this title dealing with minor children and offenses against them. This emphasis, despite the extensive amendment of this section in subsequent years, still influences the decisions made by Family Court judges. 58 This concern for family unity and the reputation of the abuser tends to minimize the seriousness of the abuse for all concerned – judges, juries, defendants, and victims. (Dobash and Dobash 1979; Ptacek 1999).

58 Personal experience. For a scholarly discussion of this issue, see Farney and Valente, 2003, pp. 35 -55. Comparisons of assumptions of domestic violence law and family court practice begin on p. 40.
Application to military personnel and their families

“Marriage is chiefly regulated by the states. The Supreme Court has held that states are permitted to reasonably regulate the institution by prescribing who is allowed to marry, and how the marriage can be dissolved . . . One power that the states do not have, however, is that of prohibiting marriage in the absence of a valid reason.” (Cornell LII)

The states each set their own requirements for marriages, separations, and divorces (within the stated limit placed by the federal constitution) – along with this jurisdiction, they also regulate the family, marriage-like and family-like relationships, and domestic violence. Military members and their families are thus subject to the regulations of the state in which they reside (even when living on federal reservations). Hawai’i’s civil and criminal laws and remedies in family law and domestic violence thus apply to both civilian and military residents of the state. However, there are sometimes differences in how domestic violence is handled when military members are involved, in part owing to complex jurisdictional issues applying to law enforcement on federal land and personal jurisdiction over military members (this is mostly about how and when arrests are made and incidents are reported or not to civil authorities), in part because the military has its own domestic violence agency – the Family Advocacy Program (DoD 6400.1, 2004) and its associated family service centers, and in part owing to military culture.

Jurisdictional issues

The military population on O‘ahu is not separated from the communities surrounding the military installations; military families live in the surrounding communities, whether in private housing or in military housing that is outside the
installation gates. Jurisdiction over incidents of intimate partner violence differs according to whether these occur within the community or within base housing areas; by the type of jurisdiction the military exercises over particular parcels of land (within the base gates, the military may have exclusive, concurrent, or partial jurisdiction over criminal acts; outside the base gates and on federal land, the military may have exclusive, concurrent, partial or proprietorial jurisdiction (Bovarnick 2004); and by which government has personal jurisdiction over the participants – the military retains jurisdiction over its active duty members no matter where they are (LCDR Harris 2005; Bovarnick 2004; Gilligan 1999; UCMJ 1998) but generally lacks formal arrest authority over civilians (Bovarnick 2004; Hickman and Davis 2003; Gilligan 1999), which is what military family members are.

Thus civilian authorities often have shared jurisdiction over the actions of military members and their families. "[S]ome form of civilian jurisdiction over installations is the rule . . . the majority (87 percent) of service members and their families fall under either

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59 "Jurisdiction" means the power to hear a case and to render a legally competent decision." MCM, 1995, II-9.

60 Exclusive jurisdiction means that the State cannot enforce its own laws on that parcel of land other than to serve civil or criminal process (Bovarnick, p. 28, Note 129). Concurrent jurisdiction means that both State and Federal laws are enforceable (Ibid., Note 128). Under partial jurisdiction, the State cedes the area so that its laws are unenforceable. (Ibid., pp. 27-28). Proprietary jurisdiction leaves the land subject to the State's laws, and the federal agency stands in the same relation to the state as any other landowner (Ibid., pp. 28-29). Land in and around military bases is a patchwork of jurisdictional types, dependent on how the military was ceded or acquired each parcel of land.

61 Formal arrest authority for the military would require an Act of Congress. Congress has so far not granted power to the military to arrest civilians on its own authority; such power as it has rests on two Constitutional exceptions – "emergency authority" and "protection of federal property and functions"; the common law doctrines of "citizens' arrest" and "military purpose"; and a few exceptions to the Posse Comitatus Act. See Gilligan, 1999, pp. 6-12. [Enclaves Clause, U.S. Constitution, art. IV, §3, cl. 2; Assimilated Crimes Act, 18 U.S.C. §13; Property Clause, U.S. Constitution, art. 1, §8, cl. 17]
shared or complete civilian authority... [T]he military does not hold sole responsibility for responding to domestic violence incidents involving service members. Civilian communities that neighbor installations also share this responsibility, not only for incidents that occur off installations but also, in many areas, for incidents occurring on installations” (Hickman and Davis 2003: 2). Police and courts usually have general policy statements encouraging cooperation with military officials (Nishijo 200562; Santos 200563); it is common for there to be only informal agreements between civilian authorities and military commanders about who responds to incidents in base housing and in the community (Hickman and Davis 2003). It is not that civilian and military officials don’t cooperate or try to coordinate their efforts to ensure that military members and their families are safe. The problem is that these informal arrangements depend on the persons filling the relevant positions at any one time rather than on promulgated procedures for interagency and intergovernmental cooperation and coordination. The Defense Task Force on Domestic Violence (DTFDV)64 recommended that collaboration between military installations and surrounding communities be required of the military services,

62 Email communication with Lt. Britt Nishijo of the Honolulu Police Department, 8 April 2005. “The Honolulu Police Department shall make every [effort] to cooperate with and support other law enforcement agencies in areas of concurrent jurisdiction to provide the best possible law enforcement services to the community.”

63 Letter from William A. Santos, Chief Court Administrator, First Judicial Circuit, State of Hawai‘i, April 26, 2005. “[W]e already have in place a practice of sending copies of temporary restraining orders and permanent orders of protection to the command of any military active duty person involved in such orders.” A recent informal agreement between the courts and the Hawai‘i Armed Service Police (HASP) for collection of these orders by HASP has been adversely affected by military deployments and the courts are working on an alternative method of getting copies of orders to commands.

and, as echoed by Hickman and Davis, "supported by formal agreements" (2003:7), not least because informal relationships with civilian authorities are disrupted by the frequent reassignment of military personnel and rarely address all the concerns of either side.

Despite efforts to cooperate on both sides, military member offenders are not always identified by police and courts dealing with incidents, nor do military commands always know about a military member's arrests and court hearings and orders. Military offenders are able to miss court hearings with minimal consequences, delaying decisions about restraining orders, divorces, child custody and visitation, and adjudication of their guilt in criminal acts. And, the issue of who should be responsible for responding to calls in military housing areas is in dispute (Dingeman 2005).

Most military housing on O'ahu is not behind base gates, but is located on federal land contiguous to civilian communities, where law enforcement jurisdiction is shared with the City and County of Honolulu. The military was the assumed first responder in these housing areas until quite recently, when it contracted management and further development to civilian companies, with the expectation that law enforcement would be shifted to civilian police (Dingeman 2005). Thus, a large proportion of the military's estimated 22,293 active duty, married households (about 8% of O'ahu's households (Hawai'i Data Book 2004: Table 1.03)) – and all of its active duty, cohabiting households – are within civilian legal jurisdiction, and most have been added to the area of responsibility of the civilian police without the addition of resources, either of personnel or money (Dingeman 2005). Neither the civilian community nor the military can
effectively or efficiently handle this problem without formal coordination of jurisdiction and resource issues.

**Family Advocacy Program**

The Family Advocacy Program (FAP), as described by the Department of Defense, "consists of coordinated efforts designed to prevent, identify, report and treat all aspects of child abuse and neglect and domestic abuse . . . FAP staff works closely and collaboratively with military command, military law enforcement personnel, medical staff, family center personnel and chaplains, as well as civilian organizations and agencies, to prevent family violence and help troops and families develop healthier relationships" (DoD FAP website). The FAP recommends to the Case Review Committee whether charges of abuse should be substantiated, recommends treatment and services, keeps the offender’s command apprised, and provides intervention services. The Case Review Committee consists of representatives from the military police, legal office, medical command, chaplain, FAP, and the commands of those whose cases are being decided.

The FAP was implemented first in the mid 1970s, in response to demands by military wives’ organizations, to deal with child abuse and was soon expanded to include spouse abuse. The Department of Defense promulgated policy directive DoDDIR 6400.1, setting the parameters of the program and assigning responsibilities; each of the military services developed its own, slightly different version of the FAP. The core program elements common to all of these programs are "prevention, identification, assessment, standardized reporting, command notification, intervention and treatment, coordination
with local authorities, and follow-up” in cases of child and spouse abuse (Caliber 1996: 2). The FAP’s structural emphasis is on clinical intervention and treatment and on rehabilitation of offending military members, which puts it somewhat at odds with State law (though not necessarily with Family Court), in which child and spouse abuse are criminal violations of the public good. Program assumptions, as stated by the Navy’s version, are:

- That family violence occurs within all communities, including the Navy community.
- That family maltreatment and abuse interferes with the work performance of the service member and thus with the Navy’s mission.
- That family maltreatment is incompatible with the high standards of professional and personal discipline expected of Navy members.
- That most offenders are able to be rehabilitated.
- That victims and families benefit when the offender is placed in treatment and available to participate in the family’s rehabilitation.
- That offenders must be held accountable for their behavior and that swift and certain intervention is an effective deterrent.
- That rehabilitation of a valued service member is beneficial to the Navy. (Family Advocacy Desk Guide: 3)

Though these assumptions are not wholly objectionable, they tend to hold victims at least somewhat responsible for their victimization — rehabilitating the family requires that victims work with their abusers’ rehabilitation program, and, rather than tending to their own safety and re-establishing their own autonomy over their lives (which may require leaving the abuser), tend to the needs of the abuser (even in treatment, the abuser retains control of the family environment and resources, and remains the focal point). Since the goal is to “fix” the family, lessen conflict, and rehabilitate the military member, counselors cannot be wholehearted advocates for the needs of victims — which are likely to be different from what is needed to preserve the family. In this scheme, all family members have a part in the dysfunction of the family and thus a responsibility to work for its “rehabilitation,” a viewpoint that overlooks power issues and holds victims
responsible for the abuser’s behavior. The idea that offenders must be held accountable agrees with feminist theory; but the emphasis here is actually on their failure to uphold the military mission and their disruption of unit cohesion – thus the focus is on the offender’s improvement, so that the mission goes on and the value of training and skills is not lost. Program goals, again as stated by the Navy, are:

1. Prevention. Prevention is the primary goal. It is more cost-effective than intervention. As patterns of abuse become entrenched they become harder to change. In support of prevention efforts are the components of education, awareness, reporting, training and counseling. These components focus on preventing abuse and restoring affected families to a healthy, non-violent status.
2. Victim Safety and Protection. The focus is to ensure access to protection, care, support and case management. Cases of child and spouse abuse should be identified promptly and provided early intervention.
3. Offender Accountability. An offender must be held accountable. Disciplinary action is at the discretion of the command.
4. Rehabilitative Education and Counseling. Access to rehabilitation for an offender is not a right but can be an important link in protecting victims and preventing future abuse. Counseling is available to eligible offenders and victims.
5. Community Accountability/Responsibility. Ensure that responders are trained to appropriately respond to family violence. (Family Advocacy Desk Guide: 3)

Further, “[e]ffective prevention and intervention in family violence enhances a service member’s military performance and increases the efficient functioning and morale of military units.” (Family Advocacy Desk Guide: 3) These goals assume that “affected families” began without abuse, ignoring that abusers are nearly always controlling and often physically violent from the beginning of these relationships – there is no previously “non-violent” state to restore. The victim is definitely not the central focus of intervention in this program. FAP, as with other military programs, is focused on the military mission, and measures the propriety, necessity, and success of it actions by their effect on successful accomplishment of the military mission.
On the whole, the FAP is an amalgam of concern for the efficient accomplishment of military mission, retention of military members, and family systems theory leavened with feminist theory.

The importance of identifying military-related cases that are handled by institutions outside of the military bases, given that military members and their families live and work in the communities surrounding military bases, can be illustrated by quoting from just one of many military regulations regarding military families and the social services they may require. Chief of Naval Operations Instruction (OPNAVINST) 1754.1A, “Family Service Center Program,” states:

It is the intent of the FSC [Family Services Center] program that Centers will not duplicate existing resources of good quality that are otherwise available to Navy personnel and their families. The FSC staff will establish and maintain a close cooperative relationship with existing community (military and civilian) resources. Each FSC will provide comprehensive information and referral services concerning programs, services, volunteer opportunities, and resources available in both the military and civilian communities for single and married Navy members and their families.”

FSCs are further directed to establish working agreements with service providers in surrounding communities. The military’s Family Advocacy Program (FAP) and Family Service Centers developed out of demands made for legal protections for abused women and children and for adequate social services on military bases (beyond crisis intervention) at family conferences organized by military wives’ groups and service organizations, beginning in 1978 and much influenced by the revival of the feminist movement. (Bowen 1984) A 1979 General Accounting Office (GAO) study resulted in the establishment of the DoD Family Advocacy Committee and Military Family Resource Centers in 1980. The resource centers support the family advocacy programs and the professionals working with military families and members to prevent and intervene in
child and spouse abuse. (Bowen, 1984) However, as shown in the quote above, DoD very much intends to rely on community resources whenever possible – and this has implications for the communities that host military bases and the social services they provide. They are directly affected by Department of Defense policies regarding the staffing and availability of its internal social services. For example, the Family Service Centers are not currently staffed to handle all of the personal and family counseling for the assigned military population, and may not perform this counseling, by regulation, for more than short-term disturbances; DoD assumes that military members and their families will have access to whatever community programs exist outside of military bases.
CHAPTER 4

RESULTS AND DATA ANALYSIS

How Many Petitions for Temporary Restraining Orders Were for Violence in Intimate-partner Relationships?

There were 1153 petitions for temporary restraining orders filed from January 1, 2004 through June 30, 2004, the original study population drawn from First Circuit Court's files. Of these petitions, 752 involved intimate partners (65.2%), 256 involved parties “related by blood” (22.2%), 134 involved household members (11.6%), nine were ambiguous (.8%), two involved other relationships (.2%). Of the 638 petitions for temporary restraining orders (TRO) filed from January 1, 2004 through March 31, 2004, 420 involved intimate-partner dyads, or 65.8 percent. The percentages for relationships are nearly identical over both time periods (see Table 17), so only petitions from the first three months of the year were used in the full data analysis.

<table>
<thead>
<tr>
<th>Number of Cases</th>
<th>Relationship</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pop. 1153</td>
<td>Pop. 638</td>
<td></td>
</tr>
<tr>
<td>752</td>
<td>420</td>
<td>cases between intimate partners 65.22 65.83</td>
</tr>
<tr>
<td>256</td>
<td>145</td>
<td>related by blood (family members including parents and children, aunts, uncles, nephews, nieces, grandparents and cousins) 22.22 22.73</td>
</tr>
<tr>
<td>134</td>
<td>66</td>
<td>household members (not related by blood) 11.62 10.34</td>
</tr>
<tr>
<td>9</td>
<td>6</td>
<td>ambiguous (identified solely as “living together” or “lived together” with no statements evidencing relationship is between intimate partners) 0.78 .94</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>other (an anomaly – military members sharing group quarters during a deployment) .17 .16</td>
</tr>
</tbody>
</table>

Table 17: Petitions by Claimed Relationship, Six Month and Three Month Study Population
Two-thirds of the First Circuit Family Court’s TRO docket consists of petitions for protection from intimate-partner violence. Of the 420 petitions involving intimate partners, 346 were filed by females (82.4%) and 74 were filed by males (17.6%). These 420 petitions were filed by 385 petitioners: 324 are female (84.2%) and 61 are male (15.9%). Less than one percent of female petitioners filed repeated or cross petitions (.98%), while eleven percent of male petitioners filed such petitions.

| Table 18: Cross Filing and Repeated Filing of Petitions in This Study Population |
|---------------------------------|---------------------------------|
| There were:                     | Which is:                       |
| 67 cross-petitions or repeated filing of petitions by a petitioner in the population | 16.0% of all petitions |
| 60 of these were cross-petitions | 14.3% of all petitions |
| 54 cross-petitions were by civilian petitioners 4 cross-petitions were by military-related petitioners | 90% of cross-petitions are by civilian petitioners 10% of cross-petitions are by military-related petitioners |
| 29 distinct partner pairs involved in these cross-petitions: 27 civilian, 2 military | 7.5% of all partner pairs filed cross-petitions; of these, 93.1% are civilian, 6.9% are military-related |
| 7 repeated filings of petitions | 1.7% of all petitions |
| 3 petitioners re-filed their petitions one or more times during the study period (all civilians) | .7% of all petitions |

8 For comparison, in the 1999 study of temporary restraining orders issued by the Family Court and the District Courts, (Ross and Kanuha, et al., 1999) 43 percent of petitioners were married and 12 percent of other reported relationships were also intimate. Seventeen percent of petitioners were related by blood. In the District Courts, 54 percent of petitioners were neither related by blood nor in intimate relationships. A quarter of cases from both courts were missing information about the relationship between the petitioner and the respondent. (p. 10)

59 In 1999, petitioners for TROs were also overwhelmingly female (83% in First Circuit Family Court and 63% in the District Courts). (Ross and Kanuha, et al., 1999)
Cross-petitions or cross-filing occurs when both parties file petitions for a TRO at nearly the same time. Repeated filing of petitions occurs when petitioner files a petition for a TRO multiple times against the same respondent within the study period.

Respondents to the 420 petitions were female in 76 cases (18.1%) and male in 344 cases (81.9%). Of the 385 respondents, 63 were female (16.4%) and 322 were male (83.7%). Female petitioner-male respondent petitions (342) were 81.2 percent of petitions filed; female petitioner-female respondent (4) were .95 percent of petitions filed; male petitioner-female respondent (72) were 17.4 percent of petitions filed; and male petitioner-male respondent (2) were .5 percent of petitions filed. Thus, the typical TRO case at First Circuit Court involves a female petitioner and a male respondent in an intimate partner relationship.

**How Many Petitions for Restraining Orders Were Military-related?**

It would be simple to merely identify and count such cases; however, a major purpose of such a count is its utility in answering the question of whether intimate partner relationships involving military members are more likely to be violent than intimate partner relationships involving only civilians. This requires a measure of prevalence comparing the military-related and civilian portions of the study population to the resident population on O'ahu.

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60 In 1999, 85% of respondents in the First Circuit Family Court were male and 66% in the District Courts. (Ross and Kanuha et al., 1999, p. 10)
What is the expected prevalence of military-related intimate partner violence on O'ahu?

If the rates of intimate partner violence are essentially equivalent between the military-related population and the civilian population, then military-related dyads will not be overrepresented in the court’s records; rather military-related cases will be present in the court’s records in proportion to the military-related proportion of O‘ahu’s resident population. Based on the population data in “The State of Hawai‘i Data Book 2004" (excerpts in table following), the military-related population, including both active duty military members (married and single) and military family members (spouses, children, and adult dependents) (n=102,680), is 8.13 percent of the State’s total resident population and 11.4 percent of the resident population of the City and County of Honolulu (Hawai‘i Data Book 2004, O‘ahu Island, n=899,593). By way of estimating how large the population of just military-related intimate partners might be, if one assumes one intimate partner per military member (whether this person is military or civilian) for the study period, the relevant military-related population for this study is approximately 91,248 persons (using the Data Book) or 7.2 percent of the state’s resident population, and 10.5 percent of the county’s population. Of course, some military members may not be in intimate partner relationships, some may be in more than one simultaneously or serially during the study period, and some of the older children are in dating relationships; however, this estimate of 10.5 percent gives us a reasonable approximation of this population.
Table 19: Hawai‘i Resident Population, by Military Status: 1990 to 2004

<table>
<thead>
<tr>
<th>Source: Data Book, Table 1.03</th>
<th>Total Resident Population</th>
<th>Armed Forces</th>
<th>All Civilians</th>
<th>Military Dependents</th>
<th>Not Military Dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2004</td>
<td>1,262,840</td>
<td>45,624</td>
<td>1,217,216</td>
<td>57,056</td>
<td>1,160,160</td>
</tr>
<tr>
<td>% of Total Resident Population</td>
<td>3.61%</td>
<td>96.39%</td>
<td>4.52%</td>
<td>91.87%</td>
<td></td>
</tr>
<tr>
<td>% of Total Civilian Population</td>
<td></td>
<td></td>
<td>4.69%</td>
<td>95.31%</td>
<td></td>
</tr>
</tbody>
</table>

Using the 10.5 percent estimate and the Attorney Generals’ statistical report on data related to its S.T.O.P. grant funds, it is possible to estimate the number of arrests for AFHM, restraining orders issued, and homicides that may be attributable to the military population on O‘ahu.

Table 20: An Estimation of the Military-Related Cases of Intimate Partner Violence for 2004, Based on 2004 Statistics Reported by Department of the Attorney General in its Domestic Violence Statistics 2005 - 2007, City and County of Honolulu (State of Hawai‘i, 2005, pp. 3 - 9)

<table>
<thead>
<tr>
<th>Action</th>
<th>State Total</th>
<th>Honolulu Co. Total</th>
<th>Expected military-related total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reports of AFHM</td>
<td>9,165</td>
<td>2,416</td>
<td>254</td>
</tr>
<tr>
<td>Arrests for AFHM</td>
<td>4,121</td>
<td>1,416</td>
<td>149</td>
</tr>
<tr>
<td>TRO filings</td>
<td>4,834</td>
<td>2,688</td>
<td>282</td>
</tr>
<tr>
<td>TRO violation arrests</td>
<td>2,134</td>
<td>Police 996, Sheriffs 90 (1086 total)</td>
<td>114</td>
</tr>
<tr>
<td>Intimate Partner murders</td>
<td>7</td>
<td>2</td>
<td>.6 rate per 100,000 residents: .2</td>
</tr>
</tbody>
</table>

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62 Hawai‘i Data Book’s Sources: U.S. Census Bureau, Population Division, Table NST EST2004-01
Annual Estimates of the Population for the United States and States, and for Puerto Rico: April 1, 2000 to July 1, 2005 (December 22, 2005), records and decennial censuses; Hawai‘i State Department of Business, Economic Development & Tourism annual survey of commanding officers.

63 Services*Training*Officers*Prosecutors – grants made under the Violence Against Women Act (VAWA) to increase victim services and training of officers and prosecutors in the states.
Table 21 summarizes prosecutions for Abuse of a Family or Household Member (AFHM) in 2004. Hawai‘i AFHM statistics include cases involving intimate partners, children, elders, and other household members. This is also the only charge counted in the Attorney General’s S.T.O.P. grant, though there are many more criminal acts that are routinely involved in intimate partner and family violence. This makes the AFHM statistics an undercount of the prevalence and severity of both problems in Hawai‘i.\textsuperscript{64}

Many reported incidents of AFHM do not result in arrests; in fact, only 59 percent of reported incidents resulted in arrests. The reported incidents probably represents only a minority of incidents, as many are never reported and some that are reported are not identified or prosecuted as AFHM. Of the arrests that are made, only 60 percent are accepted for prosecution (Table 21). Most of the cases that are prosecuted result in pleas to lesser charges, some guilty pleas, and delayed acceptance of guilty (DAG) or delayed acceptance of no contest (DANC) pleas (79%). The DAG and DANC sentences allow expungement of the offense from the offender’s record if there are no further incidents in a set period of time (i.e., if the offender avoids being arrested again). Usually, these offenders must also complete DV intervention, may be required to see a therapist, and complete treatment programs for drug and/or alcohol addictions. About 21 percent of the

\textsuperscript{64} The report has this to say about why only AFHM is reported: “Domestic violence incidents could also be classified under a multitude of other related offenses, ranging from felony arrest for assault to a misdemeanor arrest for harassment, or a property offense (e.g., criminal property damage). Unfortunately these reports and arrests that involve domestic or family violence, particularly the felony level offenses, are not readily identified as such and therefore not included in the domestic violence statistics in Table 1. Nonreporting of incidents as domestic violence to law enforcement is due to a variety of reasons, such as fear of revictimization, cultural inhibitions, and frustration with the criminal justice response.” (State of Hawai‘i, 2005-2007, p. 2)
accepted cases go to trial, where a minority are found guilty (18%), nearly half are acquitted (40%), and nearly half are dismissed (42%). This is evident in the following table, showing prosecutions for misdemeanor Abuse of a Family or Household Member (State of Hawai‘i 2005: Table 6).

| Table 21: Domestic Violence Misdemeanor Prosecutions under HRS § 709-906: Honolulu, 2004 |
|-----------------------------------------------|------------------|
| What                                         | Number           |
| Cases received                               | 845              |
| Declined to prosecute                        | 12               |
| Pleas of guilty, guilty to a lesser degree or charge, or no contest | 659              |
| Found guilty as charged                      | 31               |
| Acquitted                                    | 70               |
| Dismissed with/without prejudice             | 73               |

The tables in the Attorney General’s report show an average demand for shelter services of 968 adults served each year from 1995 – 2004 (there are not enough shelters to meet demand), 9875 hotline calls answered each year from 1995 – 2003, and 33,578 “bed days” from 1995 – 2004 (State of Hawai‘i, 2005, p. 10). These numbers vary slightly from year to year, but the table presents a steady demand for services that is in opposition to the decline in arrests and prosecutions for intimate partner and family violence reported in other tables in the State’s reports.

Within the military system, reports of intimate partner violence may result in no disciplinary action (i.e., no arrest and no disciplinary action), or only in informal actions that leave no record (such as administrative reprimands filed locally for short periods and then destroyed), as well as failure to report cases to the Family Advocacy Program (FAP).
for evaluation and intervention/treatment (a situation that may be changing and should be investigated). Reported incidents may result in a military member’s arrest, nonjudicial punishment (Article 15 under the Uniformed Code of Military Justice (UCMJ)), court-martial under the UCMJ, punitive or nonpunitive reprimands, and separation from service. Both offender and victim should be referred to FAP, where the goal is intervention. A multidisciplinary committee reviews and recommends both treatment and legal actions to the military member’s commander, who has discretion to implement the recommendations, take other actions, or do nothing. An observation from personal experience is that many military cases do not involve sustained physical violence, but do clearly exhibit strong patterns of coercive and controlling behaviors; perhaps this has to do with a growing perception among military members that actually causing physical harm requiring medical attention will end the military member’s career, or at the least, wreck the military member’s chances of promotion.

Many intimate partner violence cases are associated with felony and misdemeanor criminal cases, restraining order actions, and related civil actions. Hawai‘i’s data systems do not allow for ready identification of all incidents because it does not collect intimate

65 FAP records are maintained at each base and are not generally transferred with the service member when he or she is ordered to a new assignment. These records are considered medical and counseling records covered by the Privacy Act and were not available for this study. This means that observations are necessarily provisional.

66 I worked with survivors of domestic violence for three years at the Domestic Violence Clearinghouse and Legal Hotline in Honolulu, an organization with a strongly feminist outlook on legal and social work practice. Many of my clients were married to active duty military members and a few were active duty military members. My work included legal research, preparation of documents for court (including affidavits and exhibits detailing abuse), advocacy with and for clients, and hotline work. This gave me experience with a wide variety of intimate-partner violence cases and with military-related cases from all the bases on O‘ahu. My experiences, and memberships, within the Navy community have given me access to another, equally strong, set of perceptions and understandings of family and intimate partner violence.
partner violence information separately. (State of Hawai‘i 2004, 2005) Without access to police incident reports for 2004, it is impossible to determine the percentage of reports of domestic violence that involved military-related intimate partners.

However, court records did contain information about the military status of the parties involved in temporary restraining order cases, we have the estimate based on Hawai‘i’s statistics that 282 of the year’s restraining order petitions may be attributed to military-related parties, and we know that two-thirds of the restraining orders involve intimate partners. This translates into 71 expected military-related TRO petitions during the study period (1 January – 31 March), of which 48 should involve military-related intimate partners. The study population contains 49 such petitions for 47 dyads. This finding suggests that the prevalence of intimate partner violence is essentially equivalent for both civilian and military-related dyads.

_Are military-related intimate partners more violent than civilian ones?

Of the 420 intimate partner cases in the study population, 49 were military-related, which would be approximately 196 such petitions filed for the year, constituting 11.7 percent of intimate partner petitions. There were 385 dyads in the study population, of whom 47 were military-related, which is 12.2 percent of the dyads. Military-related persons in Hawai‘i, as presented above, are 7.2 percent of the State’s total resident population and 10.5 percent of the County’s total resident population. To determine whether the military-related dyads are actually overrepresented in the study population and, if so, presumably more violent than civilian dyads, a $\chi^2$ test was performed. The null
hypothesis for this test is that military-related persons are represented in these cases in the same proportion as they are in the resident population (i.e., that military intimate-partner dyads are no more violent than civilian ones). The null hypothesis was retained: $\chi^2(1, \ n=420)=.22, \ p<.05$. Civilian dyads and military-related dyads were present in the expected proportions. In proportion to the resident population, military-related intimate-partner dyads do not petition for temporary restraining orders any more often than civilian dyads do. The fact that military-related cases are represented in the study population in proportion to the military-related population in the County of Honolulu tends to confirm that rates of such violence are similar among military-related and civilian dyads.

There are limitations to this conclusion:

1) Though military members and their families are subject to Hawai‘i family and domestic violence laws, there may be some unknown number who do not seek protection orders for reasons related to military status, though there is no reason to assume that they do not seek protection orders any more often than civilians do not seek orders (shame, worry about consequences for the abuser’s career, control and safety issues, victim’s bad experiences with previous orders and other courts are not limited to either population).

2) There is no reliable way to assign mild-moderate-severe to the allegations in the petitions (only a rather subjective assignment is possible); however, in a study contracted by the Department of the Army to compare the results of an Army needs survey and the 1995 National Family Violence Survey (the two surveys on which Time magazine’s comparative claims were based), when the samples drawn from each survey were matched on socioeconomic and demographic characteristics, the Army sample was
only one percent to three percent more likely to contain moderate to severe abuse than the civilian sample and was similar for minor abuse – both samples were measured using the Modified Conflict Tactics Scale (Heyman et al., 1996, p. 26).

3) The constant rotation of military members from one assignment to another is offset on O'ahu by military policies – “homesteading” and “homeporting” – allowing most military members assigned to O'ahu to spend most of a career in Hawai'i (in practice nearly all military members in Hawai‘i are assigned to the bases on O‘ahu). Of course, though the civilian population is perhaps more settled, civilians also move into and out of Honolulu County and the state.

Who filed petitions for temporary restraining orders?

The majority of petitions were filed by civilians (88.3%) and the majority of petitioners were civilian females, who are 89.8 percent of petitioners.

<table>
<thead>
<tr>
<th>Table 22: Petitions and Petitioners by Gender and Military Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian Petitions by Petitioner Gender</td>
</tr>
<tr>
<td>%Female</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>83.8</td>
</tr>
<tr>
<td>Total petitions: 371</td>
</tr>
</tbody>
</table>

<p>| Military Petitions by Petitioner Gender                        |</p>
<table>
<thead>
<tr>
<th>%Female</th>
<th>Total</th>
<th>%Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>71.4</td>
<td>35</td>
<td>28.6</td>
<td>14</td>
</tr>
<tr>
<td>Total petitions: 49</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Proportionately, more petitions are filed by civilian female petitioners (83.8% of civilian-filed petitions) than by military-related female petitioners (71.4% of military-
filed petitions) – 17 percent more. Military-affiliated male petitioners file proportionately more petitions (28.6% of military-filed petitions) than do civilian male petitioners (16.2% of civilian-filed petitions) – 77 percent, more than three quarters more.

More civilian petitioners are female (86.1% of civilian petitioners) than are military-affiliated petitioners (70.2% of military-affiliated petitioners) – 22 percent more, or greater than a fifth more petitioners are civilian females. Civilian males are petitioners less often (13.9% of civilian petitioners) than are military-affiliated males (29.8% of military-affiliated petitioners) – 2.14 times more military male petitioners. The issue of why there are proportionally fewer military-related female petitioners (both active duty and family members) than civilian female petitioners and more military-related male petitioners (all active duty) than civilian male petitioners is beyond the scope of this study.

Description of petitioners for temporary restraining orders

Overall

Female petitioners filed 77.1 percent of petitions (346); male petitioners filed 14.5 percent of petitions (74). Petitioners tend to have children, though most male petitioners do not: 66.7 percent of female petitioners and 32.8 percent of male petitioners have children.

Female Petitioners

Race/ethnicity data exist for 155 female petitioners (47.8%); 85.2 percent of these petitioners are civilian and 14.8 percent are military-related; 118 have children (76.1%).
Of female petitioners with children, 83.9 percent are civilian and 16.1 percent are military-related.

Of the female petitioners lacking race/ethnicity data (52.2%), 94.1 percent are civilian and 5.9 percent are military-related; 58 percent have children. Of these female petitioners with children, 95.9 percent are civilian and 4.1 percent are military-related.

All female petitioners: 89.8 percent are civilian and 10.2 percent are military-related; 66.4 percent have children – of these, 89.3 percent are civilian and 10.7 percent are military-related. Military-related female petitioners are nearly evenly split between active duty members and family members: active duty members are 48.2 percent and family members are 45.5 percent – 6 percent are civilian women dating active duty members. The majority of civilian female petitioners are between the ages of 20 and 49 – 44.7 percent; 40.6 percent are between the ages of 20 and 44. The majority of military-related female petitioners are between the ages of 20 and 44 – 66.7 percent.

| Table 23: Female Petitioners by Missing Race/Ethnicity and Military Status |
|-----------------------------|-----------------|-----------------|-----------------|
| Race/Ethnicity Data        | % of Female     | % are Military- | % are Civilian  |
|                            | Petitioners     | Related         |                 |
| Have Data                  | 47.8            | 14.8            | 85.2            |
| Missing Data               | 52.2            | 5.9             | 94.1            |
| All                        |                 | 10.2            | 89.8            |

<table>
<thead>
<tr>
<th>Table 24: Female Petitioners by Military Status and Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>% are Civilian</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>89.8</td>
</tr>
</tbody>
</table>
Male Petitioners

Race/ethnicity data exist for 35 male petitioners (57.4%); 62.9 percent are civilian and 37.1 percent are military-related, and 57.1 percent have children. Of male petitioners with children, 65 percent are civilian and 35 percent are military-related.

Of the male petitioners lacking race/ethnicity data (42.6%), 96.2 percent are civilian and 3.9 percent are military-related; 50 percent have children. Of these petitioners with children, 92.3 percent are civilian and 7.7 percent are military-related.
All male petitioners: 77.1 percent civilian, 23.0 percent military-related, 59.0 percent have children – 72.2 percent civilian and 27.8 percent military-related. Military-related male petitioners are all active duty (100%). The majority of civilian male petitioners are between the ages of 25 and 50 – 51.1 percent; 40.4 percent are between the ages of 20 and 44. The majority of military-related male petitioners are between the age of 20 and 44 – 85.7 percent.

<table>
<thead>
<tr>
<th>Race/Ethnicity Data</th>
<th>% of Male Petitioners</th>
<th>% are Civilian</th>
<th>% are Military</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have</td>
<td>57.4</td>
<td>62.9</td>
<td>37.1</td>
</tr>
<tr>
<td>Missing</td>
<td>42.6</td>
<td>96.2</td>
<td>3.9</td>
</tr>
<tr>
<td>All</td>
<td>100.0</td>
<td>77.1</td>
<td>23.0</td>
</tr>
</tbody>
</table>

Table 28: Male Petitioners by Military Status and Children

<table>
<thead>
<tr>
<th>% are Civilian</th>
<th>% are Military-Related</th>
<th>% have Children</th>
<th>% with Children are Civilian</th>
<th>% with Children are Military-Related</th>
</tr>
</thead>
<tbody>
<tr>
<td>77.1</td>
<td>23.0</td>
<td>59.0</td>
<td>72.2</td>
<td>27.8</td>
</tr>
</tbody>
</table>
Table 29: Male Petitioners, Summary by Race/Ethnicity, Children and Military Status

<table>
<thead>
<tr>
<th>Race</th>
<th>% of Male Petitioners</th>
<th>% are Civilian</th>
<th>% are Military</th>
<th>% Have Children</th>
<th>Have Children</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% are Civilian</td>
<td>% are Military</td>
</tr>
<tr>
<td>Missing</td>
<td>42.6</td>
<td>96.2</td>
<td>3.9</td>
<td>50.0</td>
<td>92.3</td>
</tr>
<tr>
<td>White</td>
<td>31.2</td>
<td>42.1</td>
<td>58.0</td>
<td>63.2</td>
<td>41.7</td>
</tr>
<tr>
<td>Black</td>
<td>3.3</td>
<td>-</td>
<td>100.0</td>
<td>-</td>
<td>-</td>
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<tr>
<td>AIAN</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Asian</td>
<td>14.8</td>
<td>100.0</td>
<td>-</td>
<td>75.0</td>
<td>100.0</td>
</tr>
<tr>
<td>NHPI</td>
<td>6.6</td>
<td>100.0</td>
<td>-</td>
<td>75.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Other</td>
<td>1.6</td>
<td>100.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 30: Male Petitioners by Age and Military Status

<table>
<thead>
<tr>
<th></th>
<th>No Data</th>
<th>13-19</th>
<th>20-24</th>
<th>25-29</th>
<th>30-34</th>
<th>35-39</th>
<th>40-44</th>
<th>45-49</th>
<th>50-54</th>
<th>55-59</th>
<th>≥60</th>
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<tbody>
<tr>
<td>Civ</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>4</td>
<td>1</td>
<td>9</td>
<td>5</td>
<td>0</td>
<td>2</td>
<td>1</td>
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<tr>
<td>Mil</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>2</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tot.</td>
<td>22</td>
<td>0</td>
<td>3</td>
<td>8</td>
<td>8</td>
<td>1</td>
<td>11</td>
<td>5</td>
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</tr>
<tr>
<td>%</td>
<td>36.1</td>
<td>0</td>
<td>4.9</td>
<td>13.1</td>
<td>13.1</td>
<td>1.6</td>
<td>18.0</td>
<td>8.2</td>
<td>0</td>
<td>3.3</td>
<td>1.6</td>
</tr>
</tbody>
</table>

Filing for oneself and for others

Petitioners must file on their own behalf unless they are filing to protect a minor or an incapacitated adult. Most petitioners file for themselves and their minor children.

Only one petition was filed on behalf of an incapacitated adult; a woman’s adult children filed to protect her against her husband, who had a history of violence against this woman.
Table 31: Petitions for Temporary Restraining Orders

<table>
<thead>
<tr>
<th>Petitioner applied for:</th>
<th>Total Petitions</th>
<th>Civilian Petitioner</th>
<th>Military Petitioner</th>
<th>Have Children</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Self</td>
<td>39</td>
<td>135</td>
<td>33</td>
<td>122</td>
</tr>
<tr>
<td>Self and others</td>
<td>20</td>
<td>176</td>
<td>14</td>
<td>157</td>
</tr>
</tbody>
</table>

*C: civilian; M: military-related

There are nine cases in which the purpose for filing was mainly to protect a minor female (none so filed for minor males). Nine petitions were filed solely on behalf of a minor—all of these minors were female. Eight of the respondents were male (only 3 of whom were minors), one was a female minor. Seven female parents/guardians and two male parents/guardians filed the fourteen petitions for a daughter, step-daughter or ward. (See Appendix B.)

**Description of Respondents**

**Overall**

Females are respondents for 18.1 percent of petitions (76); males are respondents for 81.9 percent of petitions (344).

**Female Respondents**

Race/ethnicity data exist for 37 female respondents (58.7%); 64.9 percent are civilian and 35.1 percent are military-related; 21 have children (56.8%). Of female respondents with children, 52.4 percent are civilian and 47.6 percent are military-related.
Of the female respondents lacking race/ethnicity data (41.3%), 96.2 percent are civilian and 3.9 percent are military-related; 61.5 percent have children. Of these female respondents with children, 100.0 percent are civilian.

All female respondents: 77.8 percent are civilian, 22.2 percent are military-related; 58.7 percent have children, 80.0 percent of civilian and 27.0 percent of military-related. Military-related female respondents are nearly all family members (85.7%), only 8.3 percent are active duty members and 8.3 percent are civilian women dating active duty members. The majority of civilian female respondents are between the ages of 25 and 49 – 57.1 percent – and 51 percent are between the ages of 20 to 44. The majority of military-related female respondents are between the ages of 20 and 44 – 85.7 percent.

<table>
<thead>
<tr>
<th>Race/Ethnicity Data</th>
<th>% of Female Respondents</th>
<th>% are Civilian</th>
<th>% are Military</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have</td>
<td>58.7</td>
<td>64.9</td>
<td>35.1</td>
</tr>
<tr>
<td>Missing</td>
<td>41.3</td>
<td>96.2</td>
<td>3.9</td>
</tr>
<tr>
<td>All</td>
<td>100.0</td>
<td>77.8</td>
<td>22.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>% are Civilian</th>
<th>% are Military-Related</th>
<th>% Have Children</th>
<th>Have Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>77.8</td>
<td>22.2</td>
<td>58.7</td>
<td>79.97</td>
</tr>
</tbody>
</table>

129
Table 34: Female Respondents, Summary by Race/Ethnicity, Children and Military Status

<table>
<thead>
<tr>
<th>Race</th>
<th>% of Female Respondents</th>
<th>% are Civilian</th>
<th>% are Military</th>
<th>% Have Children</th>
<th>Have Children</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% are Civilian</td>
</tr>
<tr>
<td>Missing</td>
<td>41.3</td>
<td>96.2</td>
<td>3.8</td>
<td>61.5</td>
<td>93.8</td>
</tr>
<tr>
<td>White</td>
<td>11.1</td>
<td>36.4</td>
<td>63.6</td>
<td>45.5</td>
<td>20.0</td>
</tr>
<tr>
<td>Black</td>
<td>1.6</td>
<td>-</td>
<td>100.0</td>
<td>100.0</td>
<td>-</td>
</tr>
<tr>
<td>ALAN</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Asian</td>
<td>6.5</td>
<td>75.0</td>
<td>25.2</td>
<td>53.3</td>
<td>57.1</td>
</tr>
<tr>
<td>NHPI</td>
<td>15.9</td>
<td>100.0</td>
<td>-</td>
<td>50.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Other</td>
<td>4.8</td>
<td>33.3</td>
<td>66.7</td>
<td>100.0</td>
<td>33.3</td>
</tr>
</tbody>
</table>

Table 35: Age, Female Respondents

<table>
<thead>
<tr>
<th></th>
<th>0</th>
<th>13-19</th>
<th>20-24</th>
<th>25-29</th>
<th>30-34</th>
<th>35-39</th>
<th>40-44</th>
<th>45-49</th>
<th>50-54</th>
<th>55-59</th>
<th>≥60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civ</td>
<td>16</td>
<td>0</td>
<td>1</td>
<td>8</td>
<td>6</td>
<td>8</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Mil</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tot</td>
<td>16</td>
<td>1</td>
<td>5</td>
<td>10</td>
<td>8</td>
<td>9</td>
<td>6</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>%</td>
<td>25.4</td>
<td>1.6</td>
<td>7.9</td>
<td>15.9</td>
<td>12.7</td>
<td>14.3</td>
<td>9.5</td>
<td>6.4</td>
<td>3.2</td>
<td>3.2</td>
<td>0</td>
</tr>
</tbody>
</table>

Male Respondents

Race/ethnicity data exist for 218 male respondents (67.7%); 88.5 percent are civilian and 11.5 percent are military-related; 160 have children (73.4%). Of male respondents with children, 59.4 percent are civilian and 10.6 percent are military-related.

Of the male respondents lacking race/ethnicity data (32.3%), 91.4 percent are civilian and 8.6 percent are military-related; 52.9 percent have children. Of these male respondents with children, 92.7 percent are civilian and 7.3 percent are military-related.
All male respondents: 89.4 percent are civilian, 10.6 percent are military-related; 66.8 percent have children, 90.2 percent are civilian and 9.8 percent are military-related. Military-related males respondents are mostly active duty members (75.8%), family members are 21.2 percent, and 3.0 percent are civilians dating active duty members. The majority of civilian male respondents are between the ages of 20 to 50 – 83.7 percent; 72.0 percent are between the ages of 20 and 44. The majority of military male respondents are between the ages of 20 and 39 – 79 percent; 84.4 percent are between the ages of 20 and 44.

<table>
<thead>
<tr>
<th>Table 36: Male Respondents by Missing Race/Ethnicity and Military Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race/Ethnicity Data</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Have</td>
</tr>
<tr>
<td>Missing</td>
</tr>
<tr>
<td>All</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 37: Male Respondents by Children and Military Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>% are Civilian</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>89.4</td>
</tr>
</tbody>
</table>
Do petitioners and respondents for whom race/ethnicity data are missing differ significantly from those for whom such data are available?

Answering this question requires comparison of the two groups in relation to data available for both – if these groups are alike on other variables, it is likely they are similar on the variables for which other data are missing. In the study population, the most complete race/ethnicity and age data are for male respondents. The distribution of proportions of male respondents who are civilian and who are military is highly similar between those respondents with missing race/ethnicity data and those with these data

\[ \chi^2(1, n=104)= .4, p<.05 \]

and so the null hypothesis that these distributions are not
different is retained. The proportion of male respondents who have children – and the proportion of these who are civilian and military-related – is also highly similar between those respondents with missing race/ethnicity data and those with these data \( \chi^2 (1, n=55)=.22, p<.05 \) and the null hypothesis is also retained for this group.

The distribution of proportions of female respondents who are civilian and who are military-related does vary between those respondents with missing race/ethnicity data and those with these data \( \chi^2 (1, n=15)=11.44, p<0 \); however, when male and female respondents are combined, the distributions are again quite similar \( \chi^2 (1, n=130)=1.72, p<.05 \). Most probably, there is not much difference between respondents with race/ethnicity data and those without as to this proportion. The distribution of proportions of respondents who have children – and the proportions of these who are civilian and military-related – is also highly similar between those respondents with missing race/ethnicity data and those with these data \( \chi^2 (1, n=71)=1.17, p<.05 \). Again, there is probably no difference between female civilian and military-related respondents. In the study population, the least complete race/ethnicity and age data are for both females and for petitioners, for whom less than half of cases collected have these data. In the \( \chi^2 \) tests, this leads to results indicating that there are differences between petitioners for whom race/ethnicity data are available and those for whom it is not. The distribution of proportions of female petitioners who are civilian and who are military-related is thus found to be quite different for petitioners who are civilian and those who are military-related \( \chi^2 (1, n=159)=10.6, p<.05, \varphi_e^2 =.06 \), a moderate effect size, and also for those who have children and who are civilian and who are military-related \( \chi^2 (1, n=96)=9.8, \varphi_e^2 =.06 \).
p<.05, $\varphi^2_e = .1$], a strong effect size. The distribution of proportions of male petitioners who are civilian and who are military-related is found to be quite different for those petitioners who are civilian and who are military-related [$\chi^2(1, n=25) = 11.4, p<.05,$ $\varphi^2_e = .5$], as well as for those with children [$\chi^2(1, n=13) = 4.8, p<.05, \varphi^2_e = .4$]. A $\chi^2$ test for two variables (military status and children, including both male and female petitioners) found a difference between the observed distribution and the expected distribution [$\chi^2(1, n=280) = 6.6, p<.05, \varphi^2_e = .02$], a small effect size, using Cohen’s guidelines (Witte et al., 2004).67 There is no reason to suspect that these differences are anything other than a lack of more complete age and race/ethnicity data.

**Military petitioners and respondents by Service**

**Overall**

In this study population, petitioners and respondents who are affiliated with the Army (n=42) are 44.7 percent of the military-affiliated total. This proportion is 7.5 percent (n=7) for the Air Force, 17.0 percent (n=16) for the Navy, 9.6 percent (n=9) for the Marines, 14.9 percent (n=14) for the National Guard and Reserves, and 6.4 percent for the remaining military-affiliated filers. The Army has the largest segment of the active duty military population at 48.7 percent, the Navy follows at 21.9 percent (16), the

---

Marines at 15.8 percent (9), the National Guard and Reserves at 15.0 percent (14), and the Air Force at 13.6 percent (7).68

<table>
<thead>
<tr>
<th>Service</th>
<th>Study %</th>
<th>Population %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army</td>
<td>44.7</td>
<td>48.7</td>
</tr>
<tr>
<td>Navy</td>
<td>17.0</td>
<td>21.9</td>
</tr>
<tr>
<td>Marines</td>
<td>9.6</td>
<td>15.8</td>
</tr>
<tr>
<td>Air Force</td>
<td>7.5</td>
<td>13.6</td>
</tr>
</tbody>
</table>

A $\chi^2$ test found that military-related Petitioners and Respondents are present in the study population from each of the military services in proportion to the military services' share of the military population [$\chi^2(3, n=47)= 6.73, p<.05$]. This finding suggests that, generally, military members from one service are no more violent in their intimate relationships than members from another service. There may be differences between communities within each service that do not show here.

**Military-related Petitioners**

Most military-related petitioners are Army (44.7%) – 13 are active duty (6 female – 1 dating an active duty respondent – and 7 male), 8 are family members (all female). The next largest number of military-related petitioners are Navy (19.15%)– 6 are active duty (3 female and 3 male), 3 are family members (all females). The Marines are 8.5%: 3 active duty (1 female – dating active duty – and 2 males) plus one female family member. The Air Force (8.5%) are 3 active duty (2 female and 1 male) plus one female family member.

member. The National Guard and Military Reserves (12.8%) collectively are two female members possibly on active duty, two female family members, and two civilians dating military-affiliated respondents (also National Guard or Reserves). There were no service affiliation data for one active duty female, one female civilian dating a military-related respondent, and one male petitioner filing against a female military-related respondent.

**Military-related Respondents**

Most military-related respondents are also Army (44.7%) – 11 are active duty (1 female, 10 male), 9 are family members (7 female, 2 male), and one is a male dating a military-related petitioner. The Navy (14.9%) has 7 total – 3 are active duty (all male) and 4 are family members (two female, two male). The Marines (10.6%) have 5 total – four active duty (all male) and two family members (one female, one male). The Air Force (6.4%) has one active duty (male), one family member (male) and one civilian female dating a military-affiliated petitioner. The National Guard and Military Reserves are 17.0 percent – 8 total, 6 presumably on active duty (all male) and two family members (one female, one male). There were no service affiliation data for one active duty male, one female family member and one male family member.

**Disposition of Petitions (Temporary Restraining Orders and Orders for Protection)**

**Overall**

Petitions for Temporary Restraining Orders (TRO) are filed *ex parte* with the Court by the person seeking protection. Petitioners complete their application and an affidavit setting out their allegations against their Respondents; then a judge reviews the
application and affidavit to determine whether the allegations are sufficient to meet the legal requirements for granting a TRO. These requirements are: 1) one or more abusive acts have occurred, 2) the Respondent has made threats that lead the Petitioner to believe further abuse is imminent, 3) the Respondent has engaged in extreme psychological abuse of the Petitioner, or, 4) the Respondent has or will (imminently) maliciously damage Petitioner’s property (HRS § 586-3). Petitioner must be seriously alarmed or distressed by Respondent’s actions and words – and these must be aimed at the Petitioner. If the petition and affidavit is sufficiently detailed and meets the legal requirements, it will generally be approved and a Temporary Restraining Order issued. Although the law does not require past abusive acts to be recent, current interpretation by the Court does require that the Petitioner believe (and allege) that further abuse is imminent.

Of 420 petitions, 401 became Temporary Restraining Orders, most granted to female petitioners. There were 368 petitioners who were granted a TRO, most of whom were female. The typical TRO, then, is granted to a civilian female petitioner, but nearly all TRO petitions – 95.6 percent – are granted.

<table>
<thead>
<tr>
<th>Table 41: TRO Petitions Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Petitions Filed</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Total (n)</td>
</tr>
<tr>
<td>420</td>
</tr>
<tr>
<td>100%</td>
</tr>
<tr>
<td>Total (n)</td>
</tr>
<tr>
<td>95.5%</td>
</tr>
</tbody>
</table>

137
Table 42: Petitioners Granted Temporary Restraining Orders

<table>
<thead>
<tr>
<th>Total Petitioners Granted TRO (n=385)</th>
<th>Female Petitioners (n=322)</th>
<th>Male Petitioners (n=63)</th>
</tr>
</thead>
<tbody>
<tr>
<td>368</td>
<td>311</td>
<td>57</td>
</tr>
<tr>
<td>95.6% of petitioners</td>
<td>96.6% of female petitioners</td>
<td>90.5% of male petitioners</td>
</tr>
</tbody>
</table>

Civilian female petitioners are 90.1 percent of female petitioners; military-related female petitioners are 9.9 percent. Female petitioners’ requests for temporary restraining orders are granted 96.8 percent of the time; 90.4 percent to civilians and 96.5 percent of their petitions; 9.6 percent to military-related petitioners and 100 percent of their petitions.

Civilian male petitioners are 76.2 percent of male petitioners; military-related male petitioners are 23.8 percent. Male petitioners’ requests for temporary restraining orders are granted 98.5 percent of the time; 80.9 percent to civilians and 90.2 percent of their petitions; 19.1 percent to military-related petitioners and 86.7 percent of their petitions. Male petitioners are only slightly less likely than female petitioners to have their petitions granted \( \chi^2(1, n=420)=10.32, p<.05; \phi^2=.02, \text{a small effect} \), i.e., gender has a small effect on whether a particular petitioner is granted a petition. Military status has no effect.

**Female Petitioners: Race/Ethnicity, Military Status, Children, and Granted Petitions for Temporary Restraining Orders**

Female petitioners for whom race/ethnicity data are missing (169) are 52.2 percent of female petitioners; 94.1 percent are civilians, 5.9 percent are military-related. Of these 169 petitioners, 94.1 percent (159) were granted temporary restraining orders (TRO). Of
these 159 TROs, 93.7 percent (149) were granted to civilian petitioners (93.7 percent of their petitions) and 6.3 percent (10) were granted to military-related petitioners (100% of their petitions). As a group, 58 percent of these female petitioners have children.

Civilian female petitioners with children filed 94 (95.9%) petitions and were granted 86 TRO (91.5%). Military-related female petitioners with children filed four of these petitions (4.1%), all of which were granted.

Women identified as White were 14.2 percent of all female petitioners; 84.8 percent are civilian, 15.2 percent are military-related. All of their petitions were granted and temporary restraining orders issued. As a group, 78.3 percent of these female petitioners have children (36); 80.6 percent are civilian, 19.4 percent are military-related, and, again, all were granted TRO.

Women identified as Black are 2.2 percent of all female petitioners; 14.3 percent are civilian and 85.7 percent are military-related. All petitions were granted and TRO were issued. As a group, 85.7 percent have children; 16.7 percent are civilian and 83.3 percent are military-related.

A woman identified as American Indian/Alaskan Native is .4 percent of all female petitioners. She is civilian, has no children, and her petition for a TRO was granted.

Women identified as Asian are 18.2 percent of all female petitioners; 88.1 percent are civilian and 11.9 percent are military-related. All of these petitions were granted and TRO were issued. As a group, 74.6 percent (44) have children; 88.6 percent are civilian and 11.4 percent are military-related.
Women identified as Native Hawaiian/Pacific Islander are 12.4 percent of all female petitioners; 92.5 percent are civilian and 7.5 percent are military-related. Of the group’s 40 petitions, 39 were granted (97.5%), 36 to civilians (92.5%) and 3 to military-related petitioners (7.7%). As a group, 80 percent (32) have children; 93.8 percent are civilian and 6.3 percent are military-related. All petitions involving children were granted (100%).

Women of other races/ethnicities are .6 percent of all female petitioners, all are civilians and none have children. All petitions were granted and TRO issued (100%).

Male Petitioners: Race/Ethnicity, Children, Military Status, and Granted Petitions for Temporary Restraining Orders

Male petitioners for whom race/ethnicity data are missing are 41.6 percent of male petitioners; 96.2 percent are civilian and 3.9 percent are military-related (this military man is most likely to be White). All of these petitions were granted and TRO were issued. Of these male petitioners, 50 percent (13) have children; 92.3 percent are civilian and 7.7 percent are military-related.

Men identified as White are 31.2 percent of male petitioners; 42.1 percent are civilians and 57.9 percent are military-related. All of these petitions were granted and TRO issued. As a group, 63.2 percent (12) of these male petitioners have children; 41.7 percent are civilian and 58.3 percent are military-related.

Men identified as Black are 3.3 percent of all male petitioners, neither has children. Both petitions were granted and TRO issued.

There were no male petitioners identified as American Indian/Alaskan Native.
Men identified as Asian are 14.8 percent of all male petitioners and all are civilian. To these nine men, seven TRO were granted (77.8%) and two were denied (22.2%). Of these male petitioners, 55.6 percent have children, 80 percent of petitions involving children were granted.

Men identified as Native Hawaiian/Pacific Islander are 6.6 percent of all male petitioners and all are civilian. All of their petitions were granted and TRO issued. Of these male petitioners, 75 percent have children.

A man identified as other race/ethnicity is 1.6 percent of all male petitioners and is a civilian without children. His petition was granted and TRO issued.

**Temporary Orders Granted by Relationship of Parties**

**Female Petitioners: TRO Granted by Relationship, Children, and Military Status**

Civilian Women. The majority of petitions granted to civilian female petitioners were to married women with children (27.6% of female petitioners) and to unmarried women with children in cohabiting relationships (27.9%). Women in dating relationships (without children) were the next largest group of recipients (13.3%).

Military-Related Women. The majority of petitions granted to military-related women were to married women with children (53.1%), to women with children in cohabiting relationships (15.6%) and to women without children in dating relationships (15.6%).

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69 In the 1999 study, 43% of petitioners were married to their respondents (in cases filed in the First Circuit Family Court) and none of the petitioners in the District Courts were married. (Ross and Kanuha et al., 1999, p. 10)
For both civilian and military-related female petitioners, petitions for TROs are most often granted to married women with children. This is a function of who comes to court, though, rather than evidence of a bias regarding petitioners’ relationships. Most of the female petitioners were married women with children and the next largest groups were women without children in dating relationships and women with children in cohabiting relationships. Military status is mildly related to the petitioner’s relationship—military-related women were most likely to be married, civilian women were most likely to be cohabiting or married. [χ² (3, n=333)=8.76, p<.05; φc²=.03] Both military-related and civilian women seeking TROs were much more likely than not to have children [χ² (3, n=333)=313.95, p<.05; φc²=.94]

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Civilian (n=301)</th>
<th>Military-Related (n=32)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With Children</td>
<td>No Children</td>
</tr>
<tr>
<td>Married</td>
<td>83 27.6%</td>
<td>19 6.3%</td>
</tr>
<tr>
<td>Divorced</td>
<td>24 8.0%</td>
<td>6 2.0%</td>
</tr>
<tr>
<td>Cohabiting</td>
<td>84 28.0%</td>
<td>33 11.0%</td>
</tr>
<tr>
<td>Dating</td>
<td>12 4.0%</td>
<td>40 13.3%</td>
</tr>
</tbody>
</table>

Male Petitioners: TRO Granted by Relationship, Children, and Military Status

Civilian Men. The majority of petitions granted to civilian male petitioners were to those men who had children in common with the Respondent (27.3%) and to married men with children (20.0%).
Military-Related Men. The majority of petitions granted to military-related male petitioners were to married men with children (61.5%) and married men without children (15.4%).

Military status is strongly related to male petitioners' relationships – military-related male petitioners were nearly all married, civilian male petitioners were most likely to be cohabiting. $\chi^2 (1, n=57) = 9.4, p<.05; \phi_c^2 = .16$

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Civilian (n=55)</th>
<th>Military-Related (n=13)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>With Children</td>
<td>No Children</td>
</tr>
<tr>
<td>Married</td>
<td>11</td>
<td>20.0%</td>
</tr>
<tr>
<td>Divorced</td>
<td>1</td>
<td>1.8%</td>
</tr>
<tr>
<td>Cohabiting</td>
<td>19</td>
<td>34.6%</td>
</tr>
<tr>
<td>Dating</td>
<td>1</td>
<td>1.8%</td>
</tr>
</tbody>
</table>

**Petitions Denied**

Nineteen petitions were denied (4.5% of petitions filed). Eleven petitions were denied to female petitioners (3.4% of female petitioners), nine of whom had children. By relationship, this is one married with no child, one divorced with children, five with children in common, one lived together and no child, three dating with children. None were military-related. Six were denied to male petitioners (9.8% of male petitioners), one of whom had children. By relationship, this is three married with no children, one divorced without children, one with children in common, and one military-related married man with children.
Service of Restraining Orders

Court orders must be "served" to be effective; "served" means that the Respondent has been properly given notice of the case filed against him or her, and has copies of the filed summons and the allegations. Temporary restraining orders must be served by police officers in Hawai'i – and petitioners are directed to take their newly filed orders to the police station nearest the Respondent’s home or work. If service is not accomplished before the hearing date, the petitioner may request to reschedule the hearing, and will be required to come to ASB to pick up the new paperwork to take to the police (many petitioners fail to do this). Once the TRO and summons are served, and a hearing is held, the Court may issue an Order of Protection – whether or not the Respondent comes to the hearing.

Of the 401 temporary restraining orders granted, 80.6 percent (323) were successfully served on Respondents for 292 petitioners (273 served for 252 female petitioners, 50 for 40 male petitioners). Hearings were rescheduled to allow further attempts at service for 23.6 percent (69) of these orders and 67 petitioners (53 for 51 female petitioners, 16 for 16 male petitioners).
Table 45: Service of Temporary Restraining Orders (Relationship, Gender, Civilian, Military)

Total Number of Petitions Granted = 401 (333 to female petitioners; 68 to male petitioners) – 368 petitioners (311 female; 57 male)
Total Number of Orders Served = 323 (273 for female petitioners; 50 for male petitioners) – 292 petitioners (252 female; 40 male)

<table>
<thead>
<tr>
<th>Rel. Cat.</th>
<th>Civilian</th>
<th>Military</th>
<th>Civilian</th>
<th>Military</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
</tr>
<tr>
<td>Total</td>
<td>224</td>
<td>31</td>
<td>28</td>
<td>9</td>
</tr>
<tr>
<td>Married</td>
<td>81</td>
<td>7</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>Divorced</td>
<td>23</td>
<td>3</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Children in Common</td>
<td>50</td>
<td>9</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Living Together</td>
<td>12</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Lived Together</td>
<td>22</td>
<td>5</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Dating</td>
<td>36</td>
<td>3</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

Most temporary restraining orders are served within a few days. For female petitioners, the average days to service is 11, median is 3 days. For male petitioners, the average days to service is 6, median is 2 days. Orders are generally served on military-related respondents sooner than on civilian ones – military-related respondents are generally easily found if the command is known – except for the relationship categories of “children in common” and “dating” in which the petitioner and respondent have not been married and so have not come to official notice of base authorities.
Table 46: Service of Temporary Restraining Orders; Average Time in Days to Serve (0 = service on same day order was filed)

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Sex</th>
<th>Civilian</th>
<th></th>
<th>Military-Related</th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Mean</td>
<td>Median</td>
<td>Mean</td>
<td>Median</td>
</tr>
<tr>
<td>Married</td>
<td>Female</td>
<td>21</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Divorced</td>
<td>Female</td>
<td>7</td>
<td>4</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>6</td>
<td>9</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Children in Common</td>
<td>Female</td>
<td>8</td>
<td>3</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>9</td>
<td>2</td>
<td>34*</td>
<td></td>
</tr>
<tr>
<td>Living Together</td>
<td>Female</td>
<td>3</td>
<td>2</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td></td>
<td>Male</td>
<td>9</td>
<td>5</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>Lived Together</td>
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<td>4</td>
<td>2</td>
<td>1</td>
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<td>Male</td>
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<td>7</td>
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<td>NA</td>
</tr>
<tr>
<td>Dating</td>
<td>Female</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>4</td>
<td>6</td>
<td>21</td>
<td>21</td>
</tr>
</tbody>
</table>

* One active duty male respondent

**Once the Temporary Restraining Order is Granted**

Acquiring a temporary restraining order (TRO), having it served, and showing up to face the Respondent in Court results in issuance of an Order for Protection for only slightly more than half of the petitions filed. Of the 401 TROs granted, 224 or 55.9 percent, were extended into Orders for Protection. The remaining 177 (44.1%) did not become Orders for Protection. Neither gender nor military status were related to whether TROs were extended into Orders for Protection [$\chi^2 (1, n=177) = 2.18, p < .05$], although by percentages it might appear that TROs do not become Orders for Protection more often among civilian female petitioners (24.4%) than among military-related female
petitioners (18.8%), and that civilian male petitioners (26.3%) are more likely to have TROs that do not become Orders for Protection than are military-related male petitioners (46.2%).

No further action. Over a fifth of all TROs that are not extended – 97 or 24.2 percent of petitions, involving 26.4 percent of female petitioners (82 women, six of whom are military-related) and 26.3 percent of male petitioners (15 men, six of whom are military-related) – are allowed to expire without further action. This is the result in 54.8 percent of TROs that do not become Orders for Protection. TROs may be allowed to expire with “nfa”:

For lack of prosecution. This occurs when the Petitioner fails to come to the hearing or the Respondent is not served with the TRO (lack of prosecution may also be dealt with by dissolving the order). In this population, this occurred in 55 TROs involving 48 female petitioners, one of whom is military-related, and seven men, of whom one is military-related.

By Request of Petitioner or Agreement of the Parties.

When the petitioner requests nothing more be done, or the parties agree that the order should be allowed to expire a judge may agree that no further action be taken.

a) There were twelve cases in which the parties requested no further action, involving 11 female petitioners, of whom two are military-related, and one civilian male petitioner.
b) There were 14 cases in which the petitioner requested no further action, involving eleven female petitioners, one of whom is military-related, and three civilian male petitioners.

There were 71 cases in which the judge decided that no further action would be taken. Most of these involved petitioners who did not show up for the OSC hearing or the Respondent had not been served (i.e., there was a "lack of prosecution"). A few involved denial of a petitioner's request for the order to be dissolved; instead the judge opted for it to continue to its expiration date. These orders involved 60 female petitioners, three of whom are military-related, and 11 male petitioners, two of whom are military-related.

Neither gender nor military status were related to likelihood that a petitioner would pursue getting a TRO or having it extended into an Order of Protection.

Amendment and no further action. Twelve cases involved amendment of the TRO before its expiration date. This involved 11 female petitioners, of whom four were military-related, and one civilian male petitioner. Five orders were nfa by agreement, four by petitioner request, and three by the judge’s decision.

Dissolution. A TRO may also be “dissolved” at the OSC hearing, meaning the order is no longer valid. There were 79 TROs dissolved, involving 52 female petitioners, eight of whom are military-related, and 27 male petitioners, of whom six are military-related. TROs may be dissolved:

Sua Sponte. On the judge’s initiative or “sua sponte” when he or she finds that there is no credible threat to the petitioner, that the petitioner’s evidence is insufficient, or
the petitioner is not credible. In this population, this occurred in 20 cases involving 13 female petitioners, of whom three are military-related, and seven civilian male petitioners.

By Petitioner Request. In this population, this occurred in 23 cases involving 15 female petitioners, of whom two are military-related, and eight male petitioners, of whom three are military-related.

By Agreement of the Parties. In this population, this occurred in 36 cases involving 24 female petitioners, of whom three are military-related and 12 male petitioners, of whom three are military-related.

Although it would seem from the percentages that military-related female petitioners (25%) are more likely than civilian female petitioners (16.1%) to have their TROs dissolved, neither military status nor gender were related to whether petitioners’ TROs were dissolved.

Orders for Protection Granted

Overall

Orders for Protection may be granted because the Court finds that the petitioner’s allegations against the respondent are proved at the Order to Show Cause (OSC) hearing, by default because the respondent failed to attend the OSC hearing (and when this is so, allegations are found to be proven), or by agreement of the parties. Orders may be granted for varying periods of time; owing to recent changes in Hawai’i law, orders may be granted for long enough periods that they are essentially permanent, i.e., for the lifetime
of either the petitioner or the respondent (these orders are referred to as “permanent” below).

Of 401 TROs granted, 224 were extended into Orders for Protection (55.9% of TRO become Orders for Protection, 53.3% of petitions filed). Of these 224 Orders, 199 were granted to female petitioners (88.9% - and 66.6% of their TROs) and 25 to male petitioners (11.2% - 37.9% of their TROs). The 224 Orders were granted to 209 petitioners of whom 188 were female (90%) and 21 were male (10%).

Female Petitioners

Female petitioners for whom race/ethnicity data are missing filed 169 petitions and were granted 159 temporary restraining orders. Of these 159 TRO, 93 were extended into Orders for Protection (58.5%); 91.4 percent to civilian petitioners and 8.6 percent to military-related petitioners. Of these female petitioners, 54.8 percent have children; 55.3 percent of civilian petitioners who were granted Orders of Protection have children; 50 percent of military-related petitioners who were granted Orders of Protection have children. Of civilian petitioners with children who were granted TRO, 54.6 percent were also granted Orders for Protection. Of military-related petitioners with children who were granted TRO, 100 percent were also granted Orders for Protection. For these female petitioners who were granted Orders for Protection, (1) 10.8 percent (or ten orders given to nine civilian and one military-related petitioner) were granted because the allegations were proved (70%, or 7 women, had children – 6 civilian, 1 military-related); (2) 22.6 percent (or 21 orders given to 20 civilian and one military-related petitioners) were granted by default (47.6%, or 10 women with children, all civilian), and (3) 66.7 percent
(or 62 orders given to 56 civilian and six military-related petitioners) were granted by agreement (54.8%, or 34 women with children, 31 civilian and three military-related petitioners). Eighteen (19.4%) permanent orders were granted (17 to civilian petitioners, five with children; one to a military-related petitioner without children). Eight (44.4%) of these permanent orders were granted by default (seven to civilian petitioners, three with children; and one to a military-related petitioner without children).

Women who are identified as White filed 46 petitions and were granted 46 temporary restraining orders. Of these 46 TRO, 25 were extended into Orders for Protection (54.4%); 84.8 percent to civilian petitioners and 15.2 percent to military-related petitioners. Of these female petitioners, 84.0 percent have children; 81.8 percent of civilian petitioners who were granted Orders of Protection have children; 100 percent of military-related petitioners who were granted Orders of Protection have children. Of civilian petitioners with children who were granted TRO, 62.1 percent were also granted Orders for Protection. Of military-related petitioners with children who were granted TRO, 58.3 percent were also granted Orders for Protection.

For the 25 White female petitioners who were granted Orders for Protection, (1) 12.0 percent (3 women, all civilian) were granted because allegations were proved (2 had children); (2) 4.0 percent (one civilian woman) were granted by default (petitioner has children) and (3) 84.0 percent (21 women: 18 civilian and three military-related) were granted by agreement (85.7% or 18 women with children, of whom 15 are civilian and three are military-related). One permanent order (4.0%) was granted at the OSC (to a civilian petitioner with children).
Women who are identified as Black filed seven petitions and were granted seven
temporary restraining orders. Of these seven TRO, six were extended into Orders for
Protection (85.7%); 14.3 percent to civilian petitioners and 85.7 percent to military-
related petitioners. Of these female petitioners, 66.7 percent have children: none of the
civilian petitioners who were granted Orders of Protection have children; 66.7 percent of
military-related petitioners who were granted Orders of Protection have children. Of
military-related petitioners with children who were granted TRO, 80.0 percent were also
granted Orders for Protection.

For the six Black female petitioners who were granted Orders for Protection,
(1) three, 50 percent, all military-related, orders were granted because the allegations
were proved (33.3%, or two women with children, both military-related); (2) 16.7 percent
(or one military-related woman) were granted by default (100% with children, military-
related), and 33.3 percent (both military-related) were granted by agreement (both have
children) Two (33.33%) permanent orders were granted, both to military-related
petitioners, one with children (the order for the petitioner with children is granted by
default).

One woman who is identified as American Indian/Alaskan Native filed a petition
and was granted a temporary restraining order. This TRO was not extended into an Order
for Protection. This petitioner is a civilian and does not have children.

Women who are identified as Asian filed 59 petitions and were granted 59
temporary restraining orders. Of these 59 TRO, 36 were extended into Orders for
Protection (61.0%); 94.4 percent to civilian petitioners and 5.6 percent to military-related
petitioners. Of these female petitioners, 69.4 percent have children; 70.6 percent of
civilian petitioners who were granted Orders of Protection have children; 50.0 percent of
military-related petitioners who were granted Orders of Protection have children. Of
civilian petitioners with children who were granted TRO, 61.5 percent were also granted
Orders for Protection. Of military-related petitioners with children who were granted
TRO, 20.0 percent were also granted Orders for Protection

For the 36 Asian female petitioners who were granted Orders for Protection, (1)
13.9 percent (or five women: four civilian, and one military-related woman) were granted
because allegations were proved (40.0%: two women with children, both civilian); (2)
13.9 percent (five civilian women) were granted by default (80.0%, or four civilian
women with children); and, (3) 72.2 percent (or 26 women, 25 civilian and one military-
related) were granted by agreement (73.1% (19) with children, 18 civilian, one military-
related). No permanent orders were granted to this group.

Women who are identified as Native Hawaiian/Pacific Islander filed 40 petitions
and were granted 39 temporary restraining orders. Of these 39 TRO, 29 were extended
into Orders for Protection (74.4%); 96.6 percent to civilian petitioners and 3.4 percent to
military-related petitioners. Of these female petitioners, 79.3 percent have children; 78.6
percent of civilian petitioners who were granted Orders of Protection have children; 100.0
percent of military-related petitioners who were granted Orders of Protection have
children. Of civilian petitioners with children who were granted TRO, 75.9 percent were
also granted Orders for Protection. Of military-related petitioners with children who were
granted TRO, 50.0 percent were also granted Orders for Protection
For the 39 Native Hawaiian/Pacific Islander female petitioners who were granted Orders for Protection, (1) 5.1 percent (2 women, one civilian and one military-related) were granted because allegations were proved (50.0% had children – the military-related woman); (2) 10.3 percent (four civilian women) were granted by default (75.0% to women with children); and (3) 59.0 percent (23 civilian women) were granted by agreement (82.6% or these women (19) have children). Six (15.4%) permanent orders were granted (100.0% to civilian petitioners, 83.3% (5) with children). Two permanent orders (33.3%) were granted by default, both to civilian petitioners, only one of whom has children.

Women who are identified as other race/ethnicity filed two petitions and were granted two temporary restraining orders. Neither of these TRO were extended into Orders for Protection. Neither petitioner has children.

Male Petitioners

Men for whom race/ethnicity data are missing filed 26 petitions and were granted 24 temporary restraining orders. Of these 24 TRO, ten were extended into Orders for Protection (41.7%); 100.0 percent to civilian petitioners with children. Of civilian petitioners with children who were granted TRO, 54.6 percent were also granted Orders for Protection.

For the ten male petitioners for whom race/ethnicity data are missing and who were granted Orders for Protection, (1) 10 percent (one order, one civilian) were granted because allegations were proved (no children); (2) 20.0 percent (two orders, two civilians) were granted by default (50.0% with children, a civilian); and (3) 70.0 percent
(seven orders, all to civilians) were granted by agreement (71.4%, or all five of these men have children, all civilian). Three (30%) permanent orders were granted (100% to civilian petitioners, none with children). No permanent orders were granted by default.

Men identified as White filed 19 petitions and were granted 19 temporary restraining orders. Of these 19 TRO, seven were extended into Orders for Protection (36.8%); 43.0 percent to civilian petitioners, 57.0 percent to military-related petitioners. Of these male petitioners, 85.7 percent have children; 66.7 percent of civilian petitioners who were granted Orders of Protection have children; 100.0 percent of military-related petitioners who were granted Orders of Protection have children. Of civilian petitioners with children who were granted TRO, 40.0 percent were also granted Orders for Protection; of military-related petitioners with children who were granted TRO, 57.1 percent were also granted Orders for Protection.

For the seven White male petitioners who were granted Orders for Protection, (1) 14.3 percent (one order, one civilian) were granted because allegations were proved (no children); (2) 14.3 percent (one order, one military-related) were granted by default (one military-related man with children), and 71.4 percent (or five men: two civilian and three military-related) were granted by agreement (100.0% with children). No permanent orders were granted.

Men who are identified as Black filed two petitions and were granted two temporary restraining orders. Neither of these TRO were extended into Orders for Protection.

No men identified as American Indian/Alaskan Native filed any petitions.
Men who are identified as Asian filed nine petitions and were granted seven
temporary restraining orders. Of these TRO, only one was extended into an Order for
Protection (14.3%); this petitioner is civilian and does not have children. This petitioner
was granted an Order for Protection by agreement.

Men who are identified as Native Hawaiian/Pacific Islanders filed four petitions
and were granted four temporary restraining orders. Of these TRO, one was extended
into an Order for Protection (25.0%); 100 percent to civilian petitioners. This male
petitioner has children and was granted an Order for Protection by agreement.

One man identified as other race/ethnicity filed a petition and was granted a
temporary restraining order. This TRO was extended into an Order for Protection
(100%); the petitioner is civilian and does not have children. The order was granted by
agreement.

*Orders for Protection: allegations proved, default, agreement*

The great majority of Orders for Protection are granted by the Courts pursuant to
the parties’ agreement. Of the 224 Orders for Protection granted during the study period,
163 or 72.8 percent were granted by respondent agreement (143 or 87.7% to female
petitioners, 20 or 12.3% to male petitioners). Military status was not related to whether
an Order for Protection was granted; however, gender is related, though this is a small
effect [$\chi^2(1, n=420)=13.4, p<.05$ for all petitioners, $\varphi^2=.03$; and $\chi^2 (1, n=401)=10.34, p$
$<.05, $\varphi^2=.03$ for those who were granted a TRO]. Specifically, a female petitioner is only
slightly more likely to be granted an Order for Protection than is a male petitioner.
Neither gender nor military status were related to whether a petitioner’s Order for Protection was granted based on a default of the respondent, a finding that the petitioner’s allegations were proved (not including defaults), or by the respondent’s agreement to the issuance of the order.

If the respondent agrees to the issuance of the order, a judge is not required to make a finding regarding whether the petitioner’s allegations are proved, though he or she may do so. No judge in this study made a finding when a respondent agreed to the order, despite the serious allegations contained in these petitions. Only 60 (27%) Orders for Protection contained findings, and 38 (63.3%) of these were granted by default. Female petitioners were granted 54 of these orders with findings (35 by default), six went to male petitioners (3 by default). Given the serious allegations, one might have expected judges to make more findings. Possible explanations for this reticence (and an avenue for further research) include:

1. Most of the petitioners and respondents appear before Family Court judges without representation by a lawyer. Judges may be balancing the petitioner’s safety against the respondent’s jeopardy in other court cases.

2. A finding on a civil restraining order can be used in criminal court proceedings against a respondent, so it is generally in the best interest of the respondent to agree to the civil order and avoid a finding that the petitioner’s allegations were proved.

3. A finding on a civil restraining order may be used in divorce proceedings, where it is particularly relevant to a judge’s decisions about child custody and visitation.
4. Family Courts prefer that parties come to agreement about how to handle “family issues”; judges will tend to defer to any agreement between parties that is not illegal or indefensibly unfair rather than substitute their own judgment of the situation.

Orders for Protection: Petitioners’ Requests

After filling out the petition and affidavit describing the abusive acts of the Respondent, Petitioners complete a series of checkboxes requesting relief. These include direction to the Respondent not to contact the Petitioner at home and at work, in person or otherwise; not to contact the children at home or at school; to vacate the home; to not abuse the Petitioner and/or the children or others living with the Petitioner physically or psychologically; and, not to damage property. Temporary custody of minor children and visitation for noncustodial parents may also be requested. Table 47 summarizes requests made by petitioners.
Table 47: Petitioners' Requests for No Contact With Respondent and Other Relief *
(n=420 petitions: 344 petitions by female petitioners, 312 civilian and 32 military-related; 76 petitions by male petitioners, 61 civilian and 15 military-related)

| Requests No Contact by Respondent: | Civilian | | Military | | | |
|----------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|
|                                  | Female  | Male    | Female  | Male    | Female  | Male    | Female  | Male    |
|                                  | Child No Child | Child No Child | Child No Child | Child No Child | Child No Child | Child No Child |
| With Petitioner                  | 184     | 89      | 25      | 17      | 23      | 9       | 10      | 2       |
| With Children and Others         | 163     | 26      | 11      | 4       | 21      | 3       | 9       | 0       |
| At home                          | 180     | 86      | 25      | 17      | 23      | 8       | 10      | 2       |
| At work                          | 125     | 65      | 20      | 15      | 19      | 5       | 9       | 2       |
| At Child's School                | 136     | 2       | 9       | 0       | 17      | 1       | 6       | 0       |
| No phone                         | 182     | 86      | 25      | 17      | 23      | 8       | 10      | 2       |
| Respondent to vacate home        | 37      | 14      | 6       | 3       | 10      | 0       | 2       | 0       |
| Other Requests                   |         |         |         |         |         |         |         |         |
| No psychological abuse           | 178     | 86      | 24      | 17      | 22      | 9       | 10      | 2       |
| No property damage               | 172     | 80      | 23      | 17      | 22      | 8       | 9       | 2       |
| Temporary Custody                | 146     | 1       | 15      | 0       | 19      | 0       | 7       | 0       |
| Temporary Visitation             | 5       | 0       | 4       | 0       | 0       | 0       | 1       | 0       |

* Columns will not sum to 100; petitioners may request multiple kinds of relief.

Most petitioner requests are granted as matter of course, such as requests that the respondent have no contact with the petitioner, while others are much less frequently granted, such as requiring the respondent to vacate the home. Temporary custody of children is sometimes granted; however, the decision about temporary custody is often reserved until the OSC hearing, meaning that the temporary restraining order often will
not include the children. Temporary visitation requests are always reserved for the OSC hearing. Table 47 shows selected provisions that were granted to petitioners in this population (provisions that are omitted here are some that are automatically granted when a petition is granted or those that are automatically withheld until the OSC hearing).

<table>
<thead>
<tr>
<th>Table 48: Petitioner Requests Granted by the Court Temporary Restraining Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>(n=401: 333 orders granted to female petitioners, 301 civilian and 32 military-related; 68 to male petitioners, 55 civilian and 13 military-related)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Civilian</th>
<th>Military</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Respondent will have no contact:</strong></td>
<td></td>
</tr>
<tr>
<td>With Petitioner</td>
<td>No.</td>
</tr>
<tr>
<td>300</td>
<td>99.7</td>
</tr>
<tr>
<td>With Children</td>
<td>158</td>
</tr>
<tr>
<td>With Others</td>
<td>3</td>
</tr>
<tr>
<td><strong>Respondent will vacate the family’s home</strong></td>
<td>47</td>
</tr>
<tr>
<td>Temporary custody</td>
<td>146</td>
</tr>
</tbody>
</table>

**Firearms Findings and Exemptions**

**18 U.S.C. 921(a)(32) Part I, Crimes; Chapter 44, Firearms**

"(a) As used in this chapter . . . (32) The term “intimate partner” means, with respect to a person, the spouse of a person, a former spouse of a person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.” (This is a reference on the TRO petition form, referring specifically to the definition of intimate partner used in the Gun Control Act.)

The 1996 Domestic Violence Offender Gun Ban, also known as the Lautenberg Amendment to the Gun Control Act of 1968 (codified at 18 U.S.C. § 922(g)(8)-(9))
"... makes it unlawful for 'any person...who has been convicted of a misdemeanor crime of domestic violence' to ship, transport, possess, or receive firearms or ammunition in or affecting commerce ... the Lautenberg Amendment alters the traditional public interest exception to the firearms disqualification provisions of the [Gun Control Act], in that it applies to any individual who has been convicted of a domestic violence misdemeanor, including federal, state, and local law enforcement officers ... [A] misdemeanor conviction triggers the firearm possession prohibition only if the underlying offense includes an element requiring proof of the use or attempted use of physical force, or the threatened use of a deadly weapon against the victim. The offender must be a current or former spouse, parent, or guardian of the victim; a person with whom the victim shares a child; a person with whom the victim has cohabitated or is cohabitating as a spouse, parent, or guardian; or a person "similarly situated" to a spouse, parent, or guardian of the victim." (Halstead, 2001) Persons subject to a domestic violence restraining order are also not to possess or control firearms for the duration of the order, whether or not they have been convicted of a domestic violence misdemeanor, if the order contains a finding against the respondent or, by its terms, prohibits the respondent from using or threatening to use physical force against the petitioner (18 U.S.C § 922 (d)(8)).

Petitioners are asked about respondents’ access to weapons on the petition; the temporary restraining order directs police to collect firearms from respondents, who, as persons subject a restraining order are also subject to the Lautenberg Act’s provisions for the duration of the order. Exemptions may be made for military and law enforcement personnel, but are limited.
Judges granted 401 temporary restraining orders; only 38 of these contained findings about a respondent’s possession, use, intent to use, or threatened use of a gun against the petitioner. Thirty-five petitions contained descriptions of respondents’ past use of guns against the petitioners. Forty-one percent of petitions (174) contained allegations that respondents had access to weapons of some sort; 57.5 percent (100) of these alleged the respondent had access to guns. Petitioners claimed that respondents owned guns in 17 petitions; six alleged that respondents intended to obtain guns; 25 alleged that respondents possessed guns; nine alleged that respondents had threatened to use guns; six alleged that respondents had used guns; 23 petitions contained the petitioners’ belief that respondents may use guns. Only 20 percent petitions that make allegations concerning respondents’ access to, possession of, intention or threats to use, and past use of guns against the petitioner resulted in temporary restraining orders containing findings that the respondent (including 28 active duty military and 4 police officers) has or intends to obtain and use a gun against an intimate partner and police thus should find and confiscate the respondent’s firearms. These findings were made against 17 civilian respondents (1 female, 16 male) and 15 military-related respondents (1 female family member, 11 active duty and 3 National Guard/Reserves).

Allegations that respondent has access to or owns a gun also appear in four petitions that were denied. Judges rarely grant a firearm exemption to a respondent when granting a temporary restraining order; this happened in only two cases in this population.
Table 49: Temporary Restraining Order: Firearms Findings Made and Exemptions Granted (n=38)

<table>
<thead>
<tr>
<th>Petitioner is:</th>
<th>Petitioner says Respondent is military</th>
<th>Petitioner says Respondent is police</th>
<th>Civilian Respondent</th>
<th>Military Respondent</th>
<th>Exemptions Granted with TRO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Military</td>
<td>M</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>Civ</td>
<td>22</td>
<td>14</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mil</td>
<td>0</td>
<td>14</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

When the petitioner is granted a temporary restraining order with firearms findings, unless an exemption has been made on the TRO, the respondent then must appear at the OSC, or a subsequent hearing, to request a firearms exemption (as an amendment to either the TRO or the Order for Protection) so that he may continue his military or police duties. The Court granted 12 firearms exemptions with Orders for Protection, nine to active duty military members, all male, and three to civilian police officers, all male. The provisions of these exemptions severely limit the respondent’s access to weapons, such as to allow possession and control of firearms only during necessary military training, qualification, and deployments.

Despite the seriousness of such claims, judges do not explain why they do not make firearms findings when granting TRO based on petitions containing these claims.

Service of Orders for Protection

Nearly all (96.0%) Orders for Protection were served; the mean time to serve orders granted to female petitioners is 12 days; for male petitioners the mean is .4 days. Orders for Protection are generally served on both petitioner and respondent at Court
directly following the hearing – the longer time for service for female petitioners’ orders may be attributable to male respondents’ failure to come to the hearings, to their efforts to avoid service, and, sometimes, to their lack of an address and a job. The range for service of women’s orders is from 0 (meaning served at court the day of the hearing) to 1096 days – three years – the mode is 0. For men’s orders this range is from 0 to 81 days, the mode being 0.

Length of Orders for Protection

Female petitioners’ orders for protection had a mean length of 847 days (2.3 years) and a median of 549 days (1.5 years). Male petitioners’ orders for protection had a mean length of 751 days (just over two years) and a median of 731 days (two years). Permanent orders were granted to 33 female petitioners and 2 male petitioners. Three of these permanent orders were never served – two for female petitioners and one for a male petitioner.

Petitioners’ Allegations – Quantitative and Qualitative Review

This study assumes that petitioners generally tell the truth about their experiences and fears when they complete their sworn affidavits describing for a judge the acts of respondents from which they are asking protection (Ptacek, 1999), unless evidence in

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70 Ptacek. “These affidavits are the written statements, signed under penalty of perjury, that women file as part of the restraining order request. In their own words, written in longhand, women detail in these statements the range of violence and abuse that prompted them to seek court protection . . . While court documents are notoriously incomplete, what these affidavits lack in depth and completeness is balanced by the immediacy of the accounts, the descriptions of the objectives behind men’s violence, and the portrait of the dilemmas of separation they reveal.” p. 71.

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the petition or from other sources than the petition (other orders in the case, other cases in the First Circuit) contradicts the assumption. Victims have an incentive to tell the court the truth about their situation, since they are attempting to gain protection against further abuse, and safety for themselves and their children. They are not required to provide the entire history of the relationship, when the abuse began, how severe it is, or even details about the most embarrassing events, simply to make sufficient allegations to show that there is abuse occurring or likely to occur. Abusers using the court system to harass or control their victims must be careful that their allegations do not advertise their purpose so as to avoid having their petitions denied; they are likely to make truthful statements in a way that obscures their own responsibility for what happened and makes the victim look violent, disrespectful, neglectful of children, drug or alcohol addicted, and wastrel.

Women do not readily accept being abused, so abusers frequently have some evidence of physical injury (though not generally of serious injury), of broken belongings (though abusers tend to intentionally destroy the victim’s personal and prized possessions, items reported destroyed by abusers tend to be the things inadvertently broken during a fight), of disrespectful words.71 Since the great majority of abusers in intimate partner relationships are men, and abusers are known to use the court system to continue their

71 I base these statements both on personal experience and on descriptions of the behavior of abusive men in Bancroft (2002) and Wilson (2006).
control and harassment of their victims, this means that the allegations of male
petitioners reported in this study should generally be regarded with some skepticism.

In a 2001 article reporting a study of men’s perceptions of their violence towards
their female partners in the journal *Sociology*, Cavanaugh et al. found that men use
“exculpatory and expiatory discourses which . . . expose the purposeful yet paradoxical
nature of their responses to [their] violence, directed at mitigating and obfuscating
culpability while at the same time seeking forgiveness and absolution . . . [T]hrough these
devices men seek to impose their own definitions upon their woman partner and thereby
neutralize or eradicate her experience of abuse and control the ways in which she
interprets and responds to it . . .” (Cavanaugh et al., 2001: 695). The petition for a
temporary restraining order may often present another arena in which men seek to define
and minimize their violence against women while retaliating for their partner’s “failure”
to be a good “wife” or “girlfriend” and conform to an expected, gendered role in the
relationship, and denying her right to leave it.

72 See, for example, Bancroft, 2002, whose clients have learned how to use both the police and the courts to
punish and to continue their control of their partners. These men are often successful in getting their
partners arrested by pleading victimization backed by the fact they were also injured in the fight, showing
police the injuries gained during a fight, sometimes including self-inflicted scratches and bruises, or torn
clothing, and twisting the facts of the event to make themselves appear to only have responded to her
violence. Abusive men take advantage of a partner’s trauma to obtain a restraining order first, often
obtaining custody of children as a means of punishing her for her failure to be a good wife or girlfriend, and
asking that she be barred from their shared residence.

73 “There is . . . evidence from studies of battering men that their own accounts of the violence cannot be
taken at face value. The treatment literature on batterers has emphasized the tendency of men to minimize
or deny the intentionality of their violence. In my own interview with men who batter, I found that
individuals often shift back and forth between denying responsibility for their violent assaults and arguing
that women deserved it.” p. 71, Ptacek 1999

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Since the petitions are minimalist descriptions, the doubts about particular male petitioners generally cannot be resolved within this study. The majority of petitions for temporary restraining orders are granted (even those the researcher found dubious) and the majority of orders for protection are issued by agreement of the parties (meaning the claims of the petitioner have not been adjudicated), so it is not possible to use the outcome of a case as a measure of the reliability of a particular petitioner’s claims. So, though this is not the most satisfactory method of evaluating them, petitioners’ claims have been taken at face value whenever there are no data to contradict them. In several petitions filed by males there are apparent contradictions – usually a statement in the section where the petitioner is asked to tell the court why he or she is in immediate danger or a related case that creates doubt about the veracity of the petitioner. For example, a civilian male petitioner made a series of claims about the respondent’s “harassing” behavior, all of which seem minor but believable, and then based his “fear” of her on a fight she had many years ago with her sister. Another civilian male petitioner stated that he is in danger because, “She might harm my reputation and also get me fired from my job. I’m stressed because I’m moving on, she's going to miss me and the things we did together in last years and can't see me with somebody else.” (Emphasis added to petitioner’s statement.) Female petitioners also sometimes express concern about damage to their reputations or the possibility of losing a job, and they frequently state that the respondent is jealous; but they also unambiguously state that they want out of the relationship and the respondent isn’t having it, not that he’ll miss her and the things they did together. The analysis, then, has this caveat with regard to male petitioners, as
presented by Lundy Bancroft, who has worked in the batterer intervention program EMERGE for many years: "Abusive men commonly like to play the role of victim, and most men who claim to be "battered men" are actually the perpetrators of violence, not the victims." (Bancroft, 2002, p. 46.) This caution should be applied to the claims in affidavits made by men for temporary restraining orders, in terms of skepticism about whether they are victims or are the abusers, until proof is obtained, even though not all men seeking such orders are batterers.

This study supports other researchers' findings that victims of intimate partner violence are overwhelmingly women, whether the statistic cited is 85 percent or more, and that men are rarely victims of such violence, whether the statistic cited is 15 percent or less.74

Gender of petitioners and respondents is strongly related to their position as either petitioner or respondent \( \chi^2(1, n=840)=342, p<.05, \phi^2=.4 \): among petitioners, 82 percent are women; among respondents, 82 percent are male. The relationship is stronger among civilian dyads \( \chi^2(1, n=337)=, p<.05, \phi^2=.5 \) than among military-related dyads \( \chi^2(1, n=94)=, p<.05, \phi^2=.2 \). Women are overrepresented among petitioners (FP) at 1.64 times the expected frequency, men are underrepresented (MP) at .36 of the expected frequency, women are underrepresented among respondents (FR) at .36 of the expected frequency, men are overrepresented (MR) at 1.64 times the expected frequency. This pattern is similar for both civilian and military-related dyads. This is an expected finding,

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74 See, for example, Wilson, 2006, p. 4; Berry, 2000, p. 67; Durose et al., 2005, p.1; Michalski, 2004; Kimmel, 2002.

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supportive of the contention that intimate partner violence is gendered (see Wardell, 1982; Johnson, 1995; Kimmel, 2002; among many others).

### Table 50: Representation of Observed Frequencies as Proportion of Expected Frequencies: Military-Related and Civilian Dyads, by Gender

<table>
<thead>
<tr>
<th>Case Position</th>
<th>FP</th>
<th>MP</th>
<th>FR</th>
<th>MR</th>
<th>Military-Related Dyads</th>
<th>FP</th>
<th>MP</th>
<th>FR</th>
<th>MR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitioners</td>
<td>1.67</td>
<td>.33</td>
<td></td>
<td></td>
<td>1.3</td>
<td>.6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respondents</td>
<td></td>
<td>.33</td>
<td>1.67</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>.6</td>
<td>1.3</td>
</tr>
</tbody>
</table>

**Comparison of Descriptions of Physical and Psychological Violence**

Comparisons of descriptions of the physical and psychological violence alleged in petitions for temporary restraining orders were made among the various petitioners, who were divided by sex and military status into four groups: military-related male petitioners (MMP), military-related female petitioners (MFP), civilian male petitioners (CMP), and civilian female petitioners (CFP). Comparisons are made by coding petitioners' descriptions according to whether the petitioner alleged physical violence occurred, whether the physical violence was accompanied by physical injuries, whether there was sexual coercion (rape), whether there was physical intimidation, whether threats were made, and whether the petitioner alleged psychological violence other than threats, such as stalking, economic abuse, psychological intimidation, or psychological or physical harm to children (such as witnessing the abuse of a parent or being the target of such abuse). The coded results were compared using $\chi^2$ tests to determine whether the observed distributions of allegations made by civilian and military-related petitioners (whose descriptions of their situation are taken to be generally reliable) were dissimilar to
the expected distributions, in answer to the question of whether military-related intimate partners are really more violent than civilian ones – i.e., if they are more violent, they will be represented in the study population in a larger proportion than they are represented in the general population and the distributions of their allegations will differ, particularly in regard to physically injurious violence. If the descriptions are similar, the results would tend to support the hypothesis that intimate-partner violence is similar for both civilian and military-related cases, i.e. that military-related intimate partners are not more violent than their civilian counterparts.

The distribution of claims made by petitioners as they described respondents' abusive acts and words is similar for military-related and civilian petitioners \( \chi^2(6, n=1457)=1.5, p<.05 \). The categories included in this comparison are physical violence with injury, physical violence without injury, sexual violence, physical intimidation, threats, psychological violence, and stalking. Using the same categories, and comparing by gender, the distribution are moderately dissimilar \( \chi^2(6, n=1457)=27.63, p<.05, \phi^2=.07 \). Claims of petitioners do not vary by whether they are part of a civilian or military-related dyad, but do vary somewhat by their gender. Female petitioners are much more likely to have been physically injured, sexually coerced, and physically intimidated. Male petitioners are more likely to claim they’ve been physically abused but not injured and to have been stalked.
Table 51: Petitioners' Claims Regarding Respondents' Acts of Physical and Psychological Violence, Civilian and Military-Related

<table>
<thead>
<tr>
<th></th>
<th>Physical with Injury</th>
<th>Physical without Injury</th>
<th>Sexual Violence</th>
<th>Physical Intimidation</th>
<th>Threats</th>
<th>Psychological Violence</th>
<th>Stalking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civilian</td>
<td>139</td>
<td>185</td>
<td>69</td>
<td>76</td>
<td>319</td>
<td>349</td>
<td>163</td>
</tr>
<tr>
<td>Military-Related</td>
<td>17</td>
<td>20</td>
<td>7</td>
<td>13</td>
<td>39</td>
<td>41</td>
<td>20</td>
</tr>
</tbody>
</table>

Table 52: Petitioners' Claims Regarding Respondents' Acts of Physical and Psychological Violence, Gender

<table>
<thead>
<tr>
<th></th>
<th>Physical with Injury</th>
<th>Physical without Injury</th>
<th>Sexual Violence</th>
<th>Physical Intimidation</th>
<th>Threats</th>
<th>Psychological Violence</th>
<th>Stalking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>143</td>
<td>161</td>
<td>73</td>
<td>82</td>
<td>300</td>
<td>320</td>
<td>149</td>
</tr>
<tr>
<td>Male</td>
<td>13</td>
<td>44</td>
<td>2</td>
<td>7</td>
<td>58</td>
<td>70</td>
<td>34</td>
</tr>
</tbody>
</table>

**Physical Abuse/Violence**

Court forms provide check boxes for physical violence: “hit/slap/punch,” “grab/push/shove,” “kick/bite,” “strangle/choke,” and “hurt with object.” Space is provided for petitioners to write in descriptions of these acts or to add descriptions of other acts. Most petitioners merely check the boxes, then add other acts, such as “spit on,” or “pulled hair”; many will write about the incident. However, information about physical violence may be found in any of the blank areas of the court’s form, with the descriptions of psychological violence generally elaborating the violent acts checked in this section of the form. In the qualitative analysis of petitioners’ written descriptions, the court’s categories were renamed “hitting,” “pushing,” “pulling,” and “strangle” to simplify references. Additional categories were added based on petitioners’ descriptions.
The injury "bruising" was added to allegations that petitioner was strangled or choked where the petitioner did not volunteer this information, owing to the seriousness of the act. "More and more emphasis is being placed on the danger of strangulation in domestic violence cases. Choking is peculiarly common in domestic violence cases, far more so than in stranger assaults. What could be more intimate than controlling a person's ability to breathe? Strangulation is both a serious warning sign that this is an extremely vicious abuser and a potential medical crisis that must be monitored closely. A victim who has been strangled may exhibit only mild injuries [or none] at first, then die within thirty-six hours as internal swelling increases." (Berry, 2000, p. 79) Personal experience with domestic violence survivors taught me that strangulation was usually accompanied by bruising, though not always by more serious injury.

Remembering that the $\chi^2$ tests for all categories of allegations found similar distributions for civilian and military-related cases, the differences in percentages between civilian and military-related petitioner categories discussed below represent normal variation in the study population; however, differences in the distributions for male and female petitioners across the allegation categories are quite dissimilar.

Physically violent acts most often alleged by petitioners are pushing and hitting, generally without mention of physical injuries. Some probable explanations for the lack of mention of injuries are 1) the court's forms do not ask petitioners whether physically violent acts resulted in injuries (or what sort of injury), nor do these ask whether the alleged act was considered violent by the petitioner, 2) the petitioner was not injured,

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3) the petitioner's injuries were minor (i.e., scratches, bruises), 4) the petitioner felt there was some stigma in admitting to being injured by the respondent (most probably a male petitioner would not want to admit that a female respondent injured him). However, most petitioners who volunteered information about being physically injured were female and their respondents were male. Many male petitioners did volunteer information about their injuries, which would seem to militate against their being unwilling reporters of such injuries. Nearly all serious injuries were reported by female petitioners.

Allegations of physical violence against the petitioner are found in 86 percent of petitions for temporary restraining orders. The distribution of claims of physical violence is not different from the expected distribution. Military-related and civilian petitioners, as well as female and male petitioners, make claims about their respondents' violence in proportion to their representation among all petitioners [Military Status: \( \chi^2(1, n=361) = 1.13, p<.05 \); Gender: \( \chi^2(1, n=361) = 1.2, p<.05 \)].

| Table 53: Petitioners' Claims of Physical Violence, by Military Status and Gender, Percentage of Petitions |
|--------------------------------------------------|----------|----------|----------|----------|
| Physical Violence, All Claims (n = 420)          | MM %     | MF %     | CM %     | CF %     |
| For category of petitioner – N =                | 2.2      | 8.0      | 13.3     | 76.5     |
| Physical Violence with Physical Injury (42.7% of all petitions), as percent of claims of physical violence | 11.1     | 57.1     | 25.0     | 46.0     |
| Physical Violence without Physical Injury (51.3% of all petitions), as percent of claims of physical violence | 88.9     | 42.9     | 75.0     | 54.0     |

Injuries are described in just under half of petition alleging physical violence. The distribution of these claims is similar for military-related and civilian petitioners \( \chi^2(1, n=156) = .05, p<.05 \) but does vary moderately for female and male petitioners \( \chi^2(1, n=361) = 3.2, p<.05 \).
Women are disproportionately injured. Physical abuse was more often alleged by female petitioners than by male petitioners. It is also more likely to be alleged by petitioners who were married to or had children in common with the respondent.

Table 54: Frequencies for Allegations of Physical Abuse, by Relationship, Military Status and Gender of Petitioner

<table>
<thead>
<tr>
<th>Alleges Physical Abuse</th>
<th>Civilian (% of all female (n=291) or all male (n=47) civilian petitioners)</th>
<th>Military-related (% of all female (n=33) or all male (n=14) military-related petitioners)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship</td>
<td>Female %</td>
<td>Male %</td>
</tr>
<tr>
<td>Married</td>
<td>78 26.8</td>
<td>12 25.5</td>
</tr>
<tr>
<td>Divorced</td>
<td>22 7.6</td>
<td>1 2.1</td>
</tr>
<tr>
<td>Children in Common</td>
<td>64 22.0</td>
<td>9 19.2</td>
</tr>
<tr>
<td>Living Together</td>
<td>8 2.8</td>
<td>5 10.6</td>
</tr>
<tr>
<td>Lived Together</td>
<td>23 7.9</td>
<td>7 14.9</td>
</tr>
<tr>
<td>Dating</td>
<td>45 15.5</td>
<td>3 6.4</td>
</tr>
<tr>
<td>Total</td>
<td>240 82.5</td>
<td>37 78.7</td>
</tr>
</tbody>
</table>

Frequencies for allegations of physically abusive acts are presented by petitioner category in the following tables. The frequency tables are divided according to whether allegations were accompanied by descriptions of physical injuries. All physically abusive acts but "kick, bite" are most common in the relationship categories 1) married, 2) children in common, and 3) dating. Kick, bite is most common in the relationship categories 1) children in common, and 2) dating.
Of military-related petitions alleging physical violence, 21.6 percent were filed by male petitioners and 78.4 percent were filed by female petitioners. Of civilian petitions making this claim, 14.8 percent were filed by male petitioners and 85.2 percent were filed by female petitioners. Injuries are described in 36.7 percent of petitions; this may be an undercount because injuries are not inquired about in the petition. Again, hitting and pushing are the most frequent allegations of physical violence.

**Hitting.** Hitting is a physically violent act with a range of possible effects from blows that do no damage to those that kill. The petition does not ask petitioners to relate the consequences of hitting, only to check a box, and many petitioners do not offer details about the consequences or circumstances, so severity is impossible to reliably measure in
this population. The distribution of petitioners’ claims that they were hit by their respondents is similar for military-related and civilian petitioners \( \chi^2(1, n=230) = .22, p<.05 \) as well as for female and male petitioners \( \chi^2(1, n=230) = .03, p<.05 \). This statistic should not be interpreted as showing that women hit as often as men do in intimate partner relationships – female petitioners are overrepresented in the observed frequencies for both military-related and civilian dyads, male petitioners are underrepresented, the majority of petitioners are female and the majority of respondents (the ones alleged to be hitting) are male. At most, the comparison shows that male petitioners in this population, presumably victims (keeping in mind the necessary skepticism about their claims), may have similar experiences of being hit by their intimate partners. The argument that women are as violent as men confounds hitting (without information about consequences) with the exercise and abuse of power and control within the relationship (see, for example, Bachman, 1998; Berk, 1980; Dobash, 1980; Finkelhor 1983; Greenblat, 1980; Straus, 1980; Steinmetz, 1978; Pagelow, 1985; Wardell, 1982; Anderson, 2002; Dutton, 2006 and 2006; a small selection of researchers on both sides of this continuing argument).

**Pushing.** Petitions provide a check box for petitioners to use to indicate whether this act occurred and do not ask for the consequences of the pushing, which can range from no damage to severe cuts, bruises, and concussions. The distribution of claims about pushing is similar for military-related and civilian petitioners \( \chi^2(1, n=266) = .15, p<.05 \). It is somewhat dissimilar for female and male petitioners \( \chi^2(1, n=266) = 10.1, p<.05, \phi^2 = .04 \), a weak relationship between gender of the petitioner and this category of
physical violence. Civilian women are disproportionately represented \( \chi^2(1, n=238)=10.3, p<.05, \phi_c^2=.04 \), though military-related women are not \( \chi^2(1, n=28)=.24, p<.05 \). The majority of petitioners who claimed to have been pushed by their respondents were women (89% of all petitioners).

**Strangulation.** The distribution of claims that respondent has “choked” or strangled petitioner is similar for military-related and civilian dyads \( \chi^2(1, n=112)=.01, p<.05 \). It is quite dissimilar for female and male petitioners \( \chi^2(1, n=112)=13.7, p<.05, \phi_c^2=.1 \), demonstrating a moderately strong relationship between gender of petitioner and strangulation. Women are greatly more likely to be strangled by their respondents (96% of all petitioners reporting this violence).

**Kicking/Biting.** The petition forms combine these two acts, which are generally considered moderate to severe violence because of their tendency to produce injuries. Again, the petition does not ask for the consequences of kicking or biting, merely for the petitioner to check a box if the act occurred. The distribution of claims about this category of violence are similar for military-related and civilian petitioners \( \chi^2(1, n=108)=3.38, p<.05 \) and for female and male petitioners \( \chi^2(1, n=108)=.7, p<.05 \). The majority of petitioners who claimed to have been kicked or bitten by their respondents were women (79% of all petitioners).

Many petitioners provided information about the injuries they suffered from their respondents’ physical violence towards them. In comparing the presence of these claims between military-related and civilian dyads, the distribution is closely similar to expected frequencies \( \chi^2(1, n=156)=.05, p<.05 \); however, on the comparison between female and
male petitioners the distribution is somewhat dissimilar from the expected frequencies $\chi^2(1, n=156)=8.26, p<.05, \phi=.06$, demonstrating a moderately weak relationship between gender and physical injuries. While military status (whether the dyad is military-related or civilian) is not related to claims of injuries, gender of the petitioner is; women are overrepresented and men are underrepresented in the observed frequencies; women are disproportionately injured and are 90% of petitioners claiming physical injuries. Civilian males claim only half as many injuries as expected; military-related males claimed none.

Among petitioners alleging physical violence with injuries, only one was a military-related male (military-related male petitioners account for 18.9 percent of petitions filed by male petitioners). Military-related females related information about injuries in 55.2 percent of their petitions (10.1% of petitions filed by female petitioners), civilian males in 25.0 percent of their petitions (81.1% of petitions filed by male petitioners), and civilian females in 45.7 percent of their petitions (89.9% of petitions filed by female petitioners). Frequencies of categories of injuries alleged (by petitioner category) are shown in Table 56.
Table 56: Frequencies: Injuries, with Percent of Petitions Containing Allegations of Physical Violence and Physical Injury, by Military Status and Gender of Petitioner

<table>
<thead>
<tr>
<th>Military-related</th>
<th>Military-related female:</th>
<th>Civilian male</th>
<th>Civilian female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abrasion/Scratch</td>
<td>12.5 Abrasion/Scratch</td>
<td>81.25 Bruises</td>
<td>58.33 Bruises</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>91.27 Bruises</td>
</tr>
<tr>
<td>Miscarriage</td>
<td>12.50 Abrasion/Scratch</td>
<td>16.67 Broken bones</td>
<td>55.56</td>
</tr>
<tr>
<td>Wounds</td>
<td>6.25 Wounds</td>
<td>25.00 Wounds</td>
<td>11.11</td>
</tr>
<tr>
<td>Broken Bones</td>
<td>6.25 Abrasion/Scratch</td>
<td></td>
<td>3.97</td>
</tr>
<tr>
<td>Burns</td>
<td>6.25 Burns</td>
<td></td>
<td>2.40</td>
</tr>
<tr>
<td>Head Trauma</td>
<td>6.25</td>
<td></td>
<td>Miscarriage .79</td>
</tr>
</tbody>
</table>

Bruises are the physical injury most often alleged by all petitioners; however women report the most serious injuries and the widest range of injuries.

**Bruises.** Bruising has a range of injury from mild to severe (i.e., small to large, black eyes and hematomas); these are among the most common injuries sustained from physically violent acts. Petitioners rarely describe the severity of their bruises, merely presenting them as evidence that the violence happened and was not inconsequential. The distribution of claims regarding this injury does not differ between military-related and civilian petitioners $[\chi^2(1, n=136)=.33, p<.05]$. It is somewhat dissimilar for female and male petitioners $[\chi^2(1, n=136)=4.8, p<.05, \phi_e^2=.04]$, an apparently weak relationship between gender of the petitioner and this physical injury. Women are disproportionately injured in this way. However, among civilian dyads women are moderately overrepresented $[\chi^2(1, n=123)=12.4, p<.05, \phi_e^2=.1]$; among military-related dyads, women are strongly overrepresented $[\chi^2(1, n=13)=5.9, p<.05, \phi_e^2=.5]$. Among all petitioners
claiming this injury, 95 percent are women. Civilian male petitioners claim only a third as many bruising injuries as expected; military-related male petitioners claimed none.

*Purpose of Physical Violence.* Petitioners mostly just checked the boxes next to physically violent acts; some did describe the incidents in which the violence occurred or their injuries. Analysis of petitioners' statements shows that physical abuse aims to control the victim through 1) intimidation, 2) punishment, 3) coercion and restraint of movement, 4) humiliation, and 5) deprivation. Without taking the pattern of control into account – just counting acts – one could miss the differences in the petitions between what happens to women and what happens to men, and their purposes in coming to court to seek help.

The qualitative analysis of female petitioners’ statements about physical abuse yielded the following themes, which were used to code the allegations on all of the petitions. Intimidation and punishment are meant to induce fear and compliance with demands. Physical intimidation may be reinforced by humiliation and deprivation. Coercion of movement is force applied to make the victim move in the direction the perpetrator wants her to move. It includes pulling (dragging, grabbing), pushing (shoving), and throwing the victim against a wall or car or throwing her onto the floor. Restraint of movement is force used to prevent the victim from leaving or from avoiding the perpetrator. Methods from the study population include imprisonment (holding her captive), lying on the victim (using his weight to trap her), holding the victim down or away from something or up in the air, tying her up, sitting on her, straddling her, and trapping her with doors, windows and cars. Being restrained is a frequent complaint of
female petitioners. Humiliation deprives the victim of dignity and self-esteem. Examples in this population are spitting on the victim, rape and sexual assaults, and ripping her clothes off in public and in private. Deprivation is represented here by strangulation, suffocation, drowning and rape – in which the abuser takes away the victim’s ability to breathe and her personhood.

Male petitioners did report instances of assault against them – these mostly consisted of having had household objects thrown at them, being spit on, scratches, pulling of hair, cuts (one requiring stitches), a bite, one claim of hitting, and a general claim that “She abuses me physically several times a week.” They do not report physical intimidation, coercion of their movements, restraint or imprisonment, or physical deprivation.

*Physically Injurious Violence.* More than four-fifths of petitions describe physical violence (86.0%). Most female petitioners describe physical violence in which they were physically injured – and nearly all serious injuries are described only by female petitioners; most male petitioners do not describe physical injuries, and most of the injuries they do describe are minor. Civilian female petitioners describe physical violence with physical injury and without physical injury in nearly equal proportions (40.7% of civilian female petitioners allege they were injured, 47.8% describe physical violence but say nothing about being injured, 88.5% of civilian female petitioners claim physical violence). Among military-related female petitioners, 87.5 percent claim there was physical violence and 50 percent describe injuries, while 60 percent of military-related male petitioners claim there was physical violence against them, and only one man
(6.7%) claims to have been injured. Civilian male petitioners allege physically violent acts in 78.7 percent of their petitions, and injury in only 19.7 percent of these.

Representative examples of petitioners’ descriptions of physical violence against them that resulted in injuries follow. (In the following sections, respondents of female petitioners are male, and respondents of male petitioners are female, unless otherwise noted):

**Military-related Female Petitioner:**

DA0022: “He grabbed and twisted my neck. He grabbed me by the arms and threw me on the floor, straddled me, held me down and yelled at me.”

DA025I: “Kick in face; break fingers; slam against fridge causing miscarriage.”

DA0311: “Attacked me in his house . . . Had to go to hospital for stitches. Attacked me with metal pipe a couple of months ago and kept hitting me. He has hit me during sex.”

Military-related female petitioners reported bruises, miscarriages following physical abuse, a variety of wounds, broken bones, burns and head trauma, from being hit, pushed, grabbed, kicked, and attacked with household objects. When these women do not report injuries, the physical acts they report are hitting, pushing, and being hurt with an object (not a weapon).

**Civilian Female Petitioners:**

DA0080: “[H]e beat me, my face was swollen and I had a black and blue eye.”

DA0099: “He pushed me against the wall, grabbed me by the arms and told me to "get the fuck out." I had bruises on my arms.”
DA0139: "I was running away from him, I had trouble opening the door and I dropped to the floor and told him, "Yeah, you fucker, you only can hit girls." He then kicked me in my jaw and caused my jaw to break."

DA0140: "He came home drunk and started to hit me and throw things. He grabbed me, threw me on the bed, slapped me and began choking my neck."

DA0156: "He thought I called someone. He got upset and punched me in my left eye. In January we were arguing, he then grabbed my neck."

DA0223: "He lifted me off the ground by my neck and threw me."

DA0256: "Hit me with a wooden stool on left eyebrow. It left a scar."

DA0271: "Grabbed me by the hair and scraped my face on the gravel."

DA0376: "When I was pregnant, he gave me a black eye . . . He beat me up a lot in the past."

DA0395: "Broke my nose, fractured my jaw and left arm, 72 staples on head and 8 stitches, two black eyes. I was in the hospital 7 days, unconscious for hours. He broke my ear drum."

DA0435: "Broke bones of left eye socket, sprained neck."

DA0454: "Pulling hair while being dragged down the stairs [i.e., he pulled her down the stairs by her hair]."

Civilian female petitioners reported bruises, broken bones, wounds, abrasions and scratches, head trauma, burns, miscarriages following abuse, animal bites, pulled hair, being dragged, suffocation, being shot at, and being run over. When they did not report injuries, the physical acts they described were pushing, hitting, kicking and biting, being hurt with objects, use of weapons, pulling hair, being pulled and dragged, suffocation, and being chased.
The distribution of civilian and military-related women’s descriptions of physically violent acts committed against them and injuries sustained is similar \[ \chi^2(1, n=304)=1.43, p<.05 \]. Bruising is the only injury category with enough instances to sustain the \( \chi^2 \) test for both military-related and civilian female petitioners; this test finds that reports of bruises are similar for both \[ \chi^2(1, n=129)=.09, p<.05 \]. By percentages, wounding is reported by 11 percent of CF and 6.3 percent of MF; abrasions are reported by 3.9 percent of CF and no MF; broken bones are reported by 5.5 percent of CF and 6.3 percent of MF; burns are reported by 3.1 percent of CF and 6.3 percent of MF; miscarriages are reported by 1.8 percent of CF and 12.5 percent of MF; and head trauma is reported by 5.5 percent of CF and 6.3 percent of MF. It is possible that military-related female petitioners would report somewhat more instances of serious injuries than do civilian females in a sample with more of them, though this may not be significantly different (Caliber 1996).

**Military-related Male Petitioner:**

DA0540: “She claws me in the face all the time.”

Only this one military-related male petitioner reported any physical injury. When no injury is reported, these petitioners report hitting, pushing, being hurt with an object, kicking and biting, and use of weapons.

**Civilian Male Petitioners:**

DA0054: “She threw household item at me. She tried to run me over with my truck.” This male petitioner alleges he was strangled and forced into sex by respondent (but makes no supporting statements for these allegations, unlike the majority of women making these allegations).
DA0410: “Arrested for hitting me in the arm and eye.”

DA0497: “Broke a vase on my leg. I needed 18 stitches.”

DA0499: “[She] grabbed [my] hair, threw objects” – this male petitioner claims she strangled him as well.

DA0510: “She kicked me in the mouth when I tried to get the cell phone. She swings her arms and charges me. She scratched me. She punched me in my left eye.”

Civilian male petitioners reported bruises, scratches, and wounds from hitting, kicking/biting, being hurt with objects, pushing, strangling, pulling hair, and use of weapon. When these petitioners do not report injury, the physical acts they describe are hitting, pushing, kicking/biting, being hurt with objects and use of a weapon. There were too few injured male petitioners to compare them by military status or even to compare claims of physical violence with against claims without injury. Bruises were claimed by 11.5 percent of CM and no MM; wounds were claimed by 3.3 percent of CM and no MM; scratches were claimed by 4 percent of CM and 6.7 percent of MM. No male petitioners claimed broken bones, burns, or head trauma.

*Physical Violence without Claims of Injury.* Petitioners described physically violent acts against them without providing information about injuries in 51.3 percent of petitions describing physical violence. This may be because there were no physical injuries or because the injuries that did occur were not considered serious or because the recent incident described in the petition did not result in injuries – or because the petition does not ask about injuries.
Frequencies of physically violent acts that did not result in injuries or for which information about injuries was not provided are:

<table>
<thead>
<tr>
<th>Military-related male (MM)</th>
<th>Military-related female (MF)</th>
<th>Civilian male</th>
<th>Civilian female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hitting</td>
<td>Pushing</td>
<td>Hitting</td>
<td>Pushing</td>
</tr>
<tr>
<td>87.5</td>
<td>69.23</td>
<td>63.89</td>
<td>71.33</td>
</tr>
<tr>
<td>Pushing</td>
<td>Hitting</td>
<td>Pushing</td>
<td>Hitting</td>
</tr>
<tr>
<td>50.0</td>
<td>30.77</td>
<td>44.44</td>
<td>53.33</td>
</tr>
<tr>
<td>Hurt w/Obj.</td>
<td>Kick/Bite</td>
<td>15.38</td>
<td>Kick/Bite</td>
</tr>
<tr>
<td>25.0</td>
<td></td>
<td>30.56</td>
<td>24.00</td>
</tr>
<tr>
<td>Kick/ Bite</td>
<td>Hurt w/Obj.</td>
<td>25.00</td>
<td>Hurt w/Obj.</td>
</tr>
<tr>
<td>25.0</td>
<td></td>
<td></td>
<td>17.33</td>
</tr>
<tr>
<td>Use weapon</td>
<td>Use weapon</td>
<td>5.56</td>
<td>Use weapon</td>
</tr>
<tr>
<td>12.5</td>
<td></td>
<td></td>
<td>Pull Hair</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pull/Drag</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Suffocate</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Chase</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1.33</td>
</tr>
</tbody>
</table>

All of these petitioners, except some civilian females, just checked the boxes. A few civilian female petitioners added a little more detail, writing “pulled my hair,” “dragged me,” and “chased me.”

**Sexual Coercion/Violence**

Sexual violence and physical harm to children are not typical claims for either civilian or military-related petitioners, of either gender; as may be expected, sexual violence is mostly reported by female petitioners, both civilian and military-related.
Table 58: Petitioners' Claims of Sexual Coercion/Violence, by Military Status and Gender of Petitioner, Percentage of Petitions and Claims

<table>
<thead>
<tr>
<th>Claims</th>
<th>MM %</th>
<th>MF %</th>
<th>CM %</th>
<th>CF %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegation accompanied by allegations of physical injuries, as a percent of claims of physical violence</td>
<td>11.1</td>
<td>14.3</td>
<td>1.6</td>
<td>9.8</td>
</tr>
<tr>
<td></td>
<td>n=9</td>
<td>n=28</td>
<td>n=48</td>
<td>n=276</td>
</tr>
<tr>
<td>Allegation accompanied by allegations of physical injury, as percent of claims of sexual violence</td>
<td>100.0</td>
<td>66.7</td>
<td>100.0</td>
<td>40.3</td>
</tr>
<tr>
<td></td>
<td>n=1</td>
<td>n=6</td>
<td>n=1</td>
<td>n=67</td>
</tr>
<tr>
<td>Allegation not accompanied by allegations of physical injuries, as a percent of claims of physical violence</td>
<td>0</td>
<td>7.14</td>
<td>0</td>
<td>14.5</td>
</tr>
<tr>
<td></td>
<td>n=28</td>
<td>n=28</td>
<td>n=28</td>
<td>n=276</td>
</tr>
<tr>
<td>Allegation not accompanied by allegations of physical injury, as a percent of claims of sexual violence</td>
<td>0</td>
<td>33.3</td>
<td>0</td>
<td>59.7</td>
</tr>
<tr>
<td></td>
<td>n=6</td>
<td>n=6</td>
<td>n=6</td>
<td>n=67</td>
</tr>
</tbody>
</table>

The distribution of claims that petitioners suffered sexual coercion/violence at the hands of their respondents is quite dissimilar for female and male petitioners [$\chi^2(1, n=73)=12.7, p<.05, \phi^2=.2$], a strong relationship between gender of the petitioner and allegations of sexual coercion/violence. This pattern holds for civilian petitioners [$\chi^2(1, n=68)=12.3, p<.05, \phi^2=.2$], where 99 percent of petitioners making this claim were women. There were too few military male petitioners to perform this test comparing military-related and civilian petitioners; however, 86 percent of military-related petitioners making this claim were women (only one military-related male petitioner made this claim).

Coercion of sex (sexual violence) is reported by 21 percent of female petitioners (18.8% of MFP; 21.5% of CFP). Claims of sexual coercion and physical injury are made in 12.5 percent of petitions filed by military-related female petitioners, fully two-thirds of their claims of sexual coercion are accompanied by claims of physically injurious violence. This is opposite for civilian female petitioners, who are more likely to claim sexual coercion with physical violence but no injuries (59.7%). Military-related male
petitioners do not generally allege physical injuries; however, one military-related male petitioner (6.7%) alleged both physical violence with physical injury and sexual coercion (he merely checked the box and the injury was scratches). One civilian male alleged both physical injury and sexual coercion (1.6%) – he checked all the boxes for physically violent acts (including strangulation, so the injury is bruising). Neither man offered any details to support the allegation. Most women making this allegation also do not offer details, but many make supporting statements such as the following:

DA0107(civ): “Threats . . . to hurt me sexually and then actually hurts me this way . . .”

DA0168(civ): “He’d say he has sexual needs so he can do what he like.”

DA0172(civ): “He expects sex whenever he wants to.”

DA0228(civ): “He harassed me about giving him sex, when I refused he badgered me.”

DA0421(civ): “He put a pillow over my head while forcing sex.”

DA0447(civ): “[He] came home one night . . . woke our two kids by yelling and had forced sex on me in front of our three-year old daughter.”

DA0506(civ): “He wants me to watch porn and forces me to perform like the girls in those movies . . .”

DA0241(mil): “He accuses me for cheating, so he’ll force me to have sex so he could humiliate me.”

**Physical Intimidation**

Physical intimidation is the respondent’s attempt to frighten or control the petitioner by making threatening gestures (such as to hit), towering over the petitioner, blocking the petitioner’s way, restraining petitioner (i.e., sitting or lying on the petitioner
or using holds from martial arts or wrestling), pushing, driving recklessly, punching walls
or doors, or throwing things. This category is overwhelmingly alleged against male
respondents — very few male petitioners claimed physical intimidation. Female
respondents mostly threw things at the men. Male respondents were most likely to make
threatening gestures, block petitioners and to physically restrain them.

Physical intimidation is alleged in relatively few petitions, though it is a frequent
tool of abusive men, perhaps because it seems less serious and is not directly asked for in
the petition. In a discussion of the warning signs that a man may be abusive, Lundy
Bancroft states that “[i]ntimidation, even if it appears unintentional, is a sign that
emotional abuse is on the way — or has already begun — and is a warning flag that physical
violence may eventually follow.” (Bancroft 2002, p. 119) Berry (200076, p. 244) also
writes that intimidation is a warning sign and describes it as fear engendered “through
looks, anger, actions, a display of weapons or gestures.” It is a complaint made most
often by military-related petitioners, and especially by military-related female petitioners
who also allege physical violence but not physical injuries (the only group of petitioners
for whom physical intimidation is a typical allegation). Civilian female petitioners are
more likely to make this allegation than are civilian male petitioners.

The most often reported method of physical intimidation for both military-related and civilian petitioners, male and female, was threatening gestures (i.e., motioning to hit).

For female petitioners, the next most common method of intimidation used against them is for the respondent to physically restrain the petitioner. Military-related male petitioners report only that the respondent has thrown something at them (25%, two men).

The distribution of claims that respondent was physically intimidating is similar for military-related and civilian dyads [$\chi^2(1, n=89)=1.01, p<.05, \phi_e^2=.05$]. It is moderately dissimilar for female and male petitioners [$\chi^2(1, n=89)=6.2, p<.05, \phi_e^2=.07$].

This is a small relationship between petitioner gender and physical intimidation. Women are more likely to experience physical intimidation by their respondents (who are mostly male), and so are overrepresented in the observed frequencies.

*Intimidating gestures.* The distribution of claims that respondents made intimidating gestures is similar for military-related and civilian dyads [$\chi^2(1, n=41)=2.8, p<.05$] nor between female and male petitioners [$\chi^2(1, n=41)=0, p<.05$].
Physical Restraint. The distribution of claims that respondent physically restrained petitioner is strongly dissimilar for female and male petitioners \[ \chi^2(1, \text{n}=34)=5.6, \ p<.05, \ \phi^2=.2 \], a strong relationship between petitioner gender and physical restraint. Women are much more likely to be physically restrained by their (mostly male) respondents; 97 percent of petitioners making this claim were women. No military male petitioners made this claim.

Given that physical intimidation is cited in the literature as a precursor for psychological abuse, and is always accompanied by physical violence in this population, the court’s forms should begin to inquire about the presence of these acts.

Threats

"Threats are another powerful type of emotional abuse. Threats terrify and frighten victims into compliance, and they remind victims that their behavior always under scrutiny and subject to punishment. Threats often focus on retaliatory actions that will occur if victims try to leave or if they tell someone about the abuse. Retaliation might involve violence, or it might include other types of retribution. For example, a batterer may threaten his partner with the loss of their children by telling her that he will fight her in court for custody or that he will kidnap the children and disappear with them. He may threaten to kill her, any children, her family, her friends, and/or himself. Batterers may threaten to harm pets, or they may actually torture or kill them." (Eigenberg, 2001, p. 58)

Although threats are a form of psychological violence, they are asked for separately on the petition, which asks petitioners whether the respondent has threatened to physically or sexually harm or kill the petitioner, and provides space to describe threats. Petitioners volunteer information about the respondent’s threats to children, other family
members, and other people close to or helping the petitioner – and about the respondent’s threats to kill himself or herself.

The great majority of Petitioners describe threats made by the Respondent. Threats of harm to the Petitioner, children, and others nearly always accompany physical violence, whether or not there are physical injuries. More threats are reported when physical violence is described without physical injuries, except for military-related female petitioners, for whom threats are more likely to be accompanied by injurious physical violence. Most of the threats include some reference to separation of the parties, whether impending or current, and the consequences to the Petitioner for leaving.

Petitions containing allegations of threats made against the petitioner are 85.2 percent of all petitions made. Among military-related petitioners making this claim, 25.6 percent are male (2.8% of all petitioners) and 74.4 percent are female (8.1% of all petitioners). Among civilian petitioners, 14.7 percent are male (13.1% of all petitioners) and 85.3 percent are female (76.0% of all petitioners). Petitioners allege both physical violence and threats in 78.4 percent of all petitions.

The most common threat reported is of physical harm to the petitioner; the least common is of sexual harm. Threats are most common among married dyads and those with children in common for civilian dyads; for military-related dyads, threats are most common among married dyads.
Table 60: Petitioners' Allegations about Respondents' Threats, by Relationship, Military Status and Gender of Petitioner

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Alleges Threats</th>
<th>Civilian (% of all female (291) or all male (47) civilian petitioners)</th>
<th>Military-related (% of all female (33) or all male (14) military-related petitioners)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Female %</td>
<td>Male %</td>
</tr>
<tr>
<td>Married</td>
<td>77</td>
<td>26.5</td>
<td>9</td>
</tr>
<tr>
<td>Divorced</td>
<td>23</td>
<td>7.9</td>
<td>1</td>
</tr>
<tr>
<td>Children in Common</td>
<td>62</td>
<td>21.3</td>
<td>9</td>
</tr>
<tr>
<td>Living Together</td>
<td>10</td>
<td>3.4</td>
<td>4</td>
</tr>
<tr>
<td>Lived Together</td>
<td>21</td>
<td>7.2</td>
<td>7</td>
</tr>
<tr>
<td>Dating</td>
<td>37</td>
<td>12.7</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>230</td>
<td>79.0</td>
<td>30</td>
</tr>
</tbody>
</table>

Military-related petitioners alleging threats and physical injuries are nearly all female (55.2% of military-related female petitioners). Civilian female petitioners allege threats and physical injuries twice as often as civilian male petitioners and somewhat less often than military-related female petitioners: civilian female petitioners, 43.0 percent; civilian male petitioners, 21.3 percent. Most threats are of harm to the petitioner. Threats to kill the petitioner are the next most common among civilian petitioners; however, for military-related female petitioners the next most common threat is the respondent's threat to kill himself. Frequencies of threats accompanied by physical violence and physical injuries are summarized in the following table.

**Threats in general.** The distribution for threats against petitioners by respondents is similar for military-related and civilian dyads [$\chi^2(1, n=358)=.03, p<.05$] and for female and male petitioners [$\chi^2(1, n=358)=1, p<.05$].

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Respondents' threats of harm to petitioner. The distribution for threats of harm to petitioner made by respondents is similar for military-related and civilian dyads \( \chi^2(1, n=270)=.9, p<.05 \) as well as for gender of petitioner, though the distribution is more variable and approaches significance \( \chi^2(1, n=270)=3.5, p<.05 \).

Respondents' threats of harm to children. The distribution for threats to harm petitioner’s children does not vary between female and male petitioners \( \chi^2(1, n=39)=2.8, p<.05 \). Ninety-two percent of petitioners making this claim were women, 89 percent of these were in civilian dyads. There were too few military-related male petitioners to make this comparison for military status of the dyads; however, 80 percent of military-related petitioners making this claim were women (only one military-related male did so).

Respondents' threats of harm to family. The distribution for respondents’ threats of harm to petitioners’ family is similar for military-related and civilian dyads \( \chi^2(1, n=48)=0, p<.05 \). It is quite dissimilar for female and male petitioners, a moderately strong relationship between gender of petitioner and respondent’s threats to harm the petitioner’s family \( \chi^2(1, n=48)=4.6, p<.05, \phi^2=.1 \). Women are overrepresented in the observed frequencies. The majority of petitioners making this claim were women (94%).

Respondent's threats to harm others important to petitioner. The distribution for respondents’ threats to harm others important to petitioners is similar for military-related and civilian dyads \( \chi^2(1, n=43)=3.5, p<.05 \) and for female and male petitioners \( \chi^2(1, n=43)=2.5, p<.05 \). Ninety-one percent of petitioners reporting such threats were women.

Respondent's threats to kill petitioner. The distribution for death threats received by petitioners is similar for military-related and civilian dyads \( \chi^2(1, n=172)=.23, p<.05 \).
It is somewhat dissimilar for female and male petitioners $[\chi^2(1, n=172)=10.1, p<.05, \varphi_c^2=.06]$. Ninety percent of petitioners reporting such threats were women.

**Respondent's threats to kill child.** There were too few observed frequencies to perform statistical tests; however, all thirteen petitioners reporting such threats were civilian women.

**Respondent's threats to kill others.** There were too few observed frequencies to perform statistical tests; however, all eleven petitioners reporting such threats were civilian women. For these threats, the most common target is the petitioner's boyfriend or a male that the respondent has misidentified as a boyfriend.

**Suicide threats.** This threat was mostly made to female petitioners by male respondents (89% of all petitioners). There were too few male and military-related frequencies to do statistical tests.

**Respondent threatens petitioner with weapon.** The distribution for threatening petitioner with a weapon is similar for military-related and civilian dyads $[\chi^2(1, n=47)=, p<.05]$. The majority of such threats were experienced by women petitioners (83%), although the distribution is similar for female and male petitioners $[\chi^2(1, n=47)=.1, p<.05]$.  

**Respondent's threats to have someone else hurt petitioner.** The distribution for claims that respondents threatened to have someone else hurt petitioners is similar for military-related and civilian dyads $[\chi^2(1, n=43)=1, p<.05]$. It is strongly dissimilar for female and male petitioners $[\chi^2(1, n=43)=9.4, p<.05, \varphi_c^2=.2]$. The majority of such threats were made to women petitioners (65%), who were nevertheless underrepresented
in the observed frequency. Male petitioners were overrepresented in the observed frequency by 53 percent. Although women are most often threatened in this way, women disproportionately threaten male intimates with harm by another male, a way of evening up a physical disadvantage.

<table>
<thead>
<tr>
<th>MM</th>
<th>MF</th>
<th>CM</th>
<th>CF</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=1</td>
<td>%</td>
<td>n=16</td>
<td>%</td>
</tr>
<tr>
<td>Harm P</td>
<td>100.0</td>
<td>Harm P</td>
<td>43.8</td>
</tr>
<tr>
<td>Have Someone Hurt P</td>
<td>100.0</td>
<td>Kill Self</td>
<td>12.5</td>
</tr>
<tr>
<td>Harm Family</td>
<td>6.3</td>
<td>Have arrested</td>
<td>30.0</td>
</tr>
<tr>
<td>Harm Self</td>
<td>6.3</td>
<td>Have Someone Hurt P</td>
<td>30.0</td>
</tr>
<tr>
<td>Kill P</td>
<td>6.3</td>
<td>Kill Self</td>
<td>10.0</td>
</tr>
<tr>
<td>Kill Family</td>
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<td>Weapon</td>
<td>10.0</td>
</tr>
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<td>Weapon</td>
<td>6.3</td>
<td>Kill children</td>
<td>10.0</td>
</tr>
<tr>
<td>Leave P</td>
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<td>Harm Children</td>
<td>10.3</td>
</tr>
<tr>
<td>Damage Prop.</td>
<td>6.3</td>
<td>Have arrested</td>
<td>6.0</td>
</tr>
<tr>
<td>Take Prop.</td>
<td>6.3</td>
<td>Kill Children</td>
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</tr>
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<td>Third Person</td>
<td>6.3</td>
<td>Sexual harm</td>
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</tr>
<tr>
<td>Have arrested</td>
<td>6.3</td>
<td>Kill Others</td>
<td>4.3</td>
</tr>
<tr>
<td>Take to Court</td>
<td>6.3</td>
<td>Kill Self</td>
<td>4.3</td>
</tr>
<tr>
<td>Kill Family</td>
<td>3.4</td>
<td>Take to Court</td>
<td>2.6</td>
</tr>
</tbody>
</table>

Table 61: Frequencies: Threats, with physically injurious violence (by petitioner category) P = petitioner

Threats accompanied by physically injurious violence. Examples of petitioners' statements about threats made by respondents who also engaged in physically injurious
violence follow. In this category, all threats described in the petitions were accompanied by claims of injury, most are accompanied by physical intimidation, many involve the display or use of weapons, and many include reminders by the respondent of past injuries to the petitioner. There is no significant difference between threats received by military-related and civilian petitioners. Threats reported by petitioners in this category generally include the following themes, sometimes explicit, often implicit:

a) Respondent suggests to, or reminds, petitioner that he can, and will, hurt or even kill her. In this section, the threatened harm is generally physical and violent, the threats are vengeful.

b) Respondent claims that he controls the petitioner and the situation. The tenor of the threats suggests that they were made in response to petitioner’s signs of independence, i.e., to his loss of control.

c) Respondent makes the petitioner responsible for his actions and words.

d) Respondent reminds the petitioner of past violence.

e) Respondent tells petitioner that she cannot escape, that he will not allow anyone else to “have” her. Jealousy and ownership are evident in these threats.

Male petitioners frequently report that their female respondent has threatened to have someone else hurt him, or that her current intimate partner has threatened to hurt him; they also report that she has threatened to take the children away, or has threatened him with a knife. Missing from most of their reports are the themes of control, jealousy and ownership, reminders of past violence, making the petitioner responsible for the respondent’s actions, warnings that he cannot escape.
Military-related Female Petitioner:

DA0022: “He told me he was bigger than I am and he can kill me.”

DA0063: “During conversations, Harry has taken out his pocket knife to intimidate me. He told me that his friend John has a 30-caliber gun that Harry plans to borrow from him.”

DA0251: “He will fly to Hawai‘i and kill me. He will take kids and I’ll never see them again. Shot at me several times to force me to return to Kentucky.”

DA0311: “Says he’ll kill himself if I leave him.”

DA0386: “Don’t lock bedroom door or he’ll break it down.”

DA0459: “You can’t come back because I will end up back in jail for physical abuse.”

DA0575: “Swing at me but didn’t hit me, then said he was going to hit me.”

DA0617: “He threatened to get me arrested by the Army CID as a co-conspirator because he says I knew he was already married when he married me.”

Civilian Female Petitioners:

DA0001: “He reminded me that the restraining order would end soon and threatened me and my boyfriend ("better watch out"), threatened to kill himself, chased me with a gun.”

DA0013: “I’m going to fuck up your face.” He also threatened to maim her face, chop off her hair.

DA0027: “Tried to burn me with cigarette, threatened me with a knife, saying he was going to kill me.”

DA0040: “If I don’t do as he says, he’ll put me in the hospital.”

DA0057: “He threatened to take the children.”
DA0060: “He told me to ‘enjoy your last night alive.’”

DA0070: “He threatened to have his friends hurt me and follow me wherever I go.”

DA0098: “He told me he would have some big girls kick my butt. Told me he would do anything to make my life miserable and won't go to jail for anything less than murder.”

DA0107: “Threat to make me ‘shark bait.’ Told me to watch my back and never sleep.”

DA0111: “He threatened to destroy everything important to me. Comes to my face and threaten to hurt me. Left a machete on the porch to scare us. Told [daughter] to run for her life if he sees her. He would break her legs.”

DA0113: “He said, ‘’No one's here now, I'm going to kill you for the way you talk to me.’ He said that I was forcing him to murder me.”

DA0120: “He said he's going to kill me, cut me up and hide out in a mountain and eat me until the police find him.”

DA0140: “He said he wanted to kill me and my oldest daughter . . .”

DA0156: “He told me that he would kick my ass if I did not talk to him.”

DA0168: “Say he should blast my face or give me another black eye or bruised rubs.”

DA0172: “He stated he would kill me, our children and my family. Last year he poured gasoline on my leg and threatened to light it.”

DA0210: “He threatened to push me over the second floor balcony.”

DA0223: “In Jan 2004 he told me he has a gun especially for me. I am not sure what he meant by it but it did scare me.”

DA0228: “I asked him to leave and he threatened to kill me by chopping me into pieces. He said he was going to knock me out and take my kids. He threatened to throw my baby off the balcony.”

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DA0233: “He says he wants to cut my throat. He made like he was going to hit me with a wrench over my head.”

DA0272: “Threatened to burn down our house with me in it.”

DA0280: “He said he would never give me up, that I am his.”

DA0297: “If you ever call the police on me again, I'll kill you ... and if you're not dead, you'll wish you were. I'll fuck you up so bad you'll be in the hospital for months.”

DA0317: “Many times he would grab and shake me violently, screaming like mad as if he is going to kill me.”

DA0376: “He said he'd get on the first flight out of Kona to kill me with his bare hands and bury me if I'm with a guy.”

DA0435: “If I can't have you nobody can.”

DA0441: “Motion to threaten to hit me, wanted me to sign papers without seeing my attorney.”

DA0451: “He's gonna send people to hurt me, I can't be with anyone else but him or he will kill my kids and I.”

DA0458: “He said he'd put me 6 feet underground, parent's won't see you any more. I'll kill you and put you in a box and send you to Japan.”

DA0470: “He said that if I file a TRO again he would kill me.”

DA0503: “Do you think a restraining order will keep me away from you?”

DA0583: “Says he wants to hit me, nothing to lose, cut my face, if we don't work things out we'll be worst of enemies, make me lose job and house.”

DA0584: “Going to take son away, file suit against me to have visitation rights with my son, when he sees me he's going to kick my fucking ass and punch my mouth.”

Military-related Male Petitioner:

DA0540: “Her baby’s father threatens to harm me.”
Civilian Male Petitioners:

DA0054: “Threatened me with a syringe of Clorox [bleach]. Threatened to kill me.”

DA0215: “Constantly threatens for people to hold me down while she cuts my heart out.”

DA0348: “Do you want me to come over there and beat the shit out of you in front of your roommates?”

DA0410: “Threatened while hitting me, she doesn't care if I go to jail again.”

DA0497: “Threatened me with a knife a couple times.”

DA0499: “To take my dog, never see it again.”

Threats accompanied by physical violence, but without claims of injury. Petitions alleging threats accompanied by physical violence, but without alleged injury, are more likely to be filed by male petitioners: 70 percent of military-related male petitioners 38.0 percent of military-related female petitioners, 61.7 percent of civilian male petitioners, and 48.2 percent of civilian female petitioners.

The most frequently reported threat by all petitioners in this category is of “harm to petitioner.” Threats to kill petitioner are the second most frequently reported threats for male petitioners and for civilian female petitioners. Threats to harm children are the second most frequently reported threats by military-related female petitioners. In third place for male petitioners are threats of property damage; for female petitioners this threat is of harm to family.
Table 62: Frequencies: Threats accompanied by physical violence but without alleged physical injury (by petitioner category) P = petitioner

<table>
<thead>
<tr>
<th></th>
<th>MM</th>
<th>MF</th>
<th>CM</th>
<th>CF</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>n=6</td>
<td>%</td>
<td>n=11</td>
<td>%</td>
</tr>
<tr>
<td>Harm P</td>
<td>71.4</td>
<td>Harm P</td>
<td>81.8</td>
<td>Harm P</td>
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<td>Kill P</td>
<td>28.6</td>
<td>Harm child</td>
<td>36.4</td>
<td>Kill P</td>
</tr>
<tr>
<td>Damage Prop.</td>
<td>28.6</td>
<td>Harm family</td>
<td>27.3</td>
<td>Damage Prop.</td>
</tr>
<tr>
<td>Have arrested</td>
<td>28.6</td>
<td>Kill P</td>
<td>27.3</td>
<td>Someone hurt</td>
</tr>
<tr>
<td>Harm child</td>
<td>14.3</td>
<td>Have arrested</td>
<td>27.3</td>
<td>Have arrested</td>
</tr>
<tr>
<td>Harm family</td>
<td>14.3</td>
<td>Harm others</td>
<td>9.1</td>
<td>Harm others</td>
</tr>
<tr>
<td>Weapon</td>
<td>14.3</td>
<td>Weapon</td>
<td>9.1</td>
<td>Weapon</td>
</tr>
<tr>
<td>Someone hurt</td>
<td>14.29</td>
<td>Damage prop.</td>
<td>9.09</td>
<td>Take to court</td>
</tr>
<tr>
<td>Third person</td>
<td>9.09</td>
<td>Harm family</td>
<td>6.9</td>
<td>Kill Self</td>
</tr>
<tr>
<td>Someone hurt</td>
<td>9.09</td>
<td>Harm child.</td>
<td>3.5</td>
<td>Kill Child</td>
</tr>
<tr>
<td>Kill self</td>
<td>3.5</td>
<td>Have arrested</td>
<td>3.8</td>
<td></td>
</tr>
<tr>
<td>Take to court</td>
<td>3.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kill family</td>
<td>3.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kill others</td>
<td>3.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual harm</td>
<td>1.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Take prop.</td>
<td>1.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Third person</td>
<td>1.5</td>
<td></td>
<td></td>
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</tbody>
</table>

Petitioners' statements about threats made to them by respondents alleged to be physically violent, but not physically injurious, follow. Threats reported in this category are similar to those reported by petitioners who also claimed physical injuries. The same themes are present. This similarity may mean that lack of mention of physical injuries does not mean injuries are absent.
Military-related Female Petitioner:

DA0135: “He told me, ‘you better watch you back’ and put his fist to make like he would punch me but didn’t.”

DA0154: “He told me if he didn’t leave the home he would kill me.”

DA0312: “Threatened to shoot me and the kids, pushed me away from the phone and ripped it out of the wall.”

DA0324: “Tells me he can hurt me very easy.”

DA0455: “Leaving messages that he will come to my house. He said that I won’t know when he’ll just show up.”

Civilian Female Petitioners:

DA0010: “[She] threatened to hurt people who were close to me who I believe is my son.” (Female Respondent)

DA0018: “He threatened to kill me and my family if I cheated on him.”

DA0034: “Says ‘If I can’t have you, no one can.’ Other similar statements.”

DA0039: “He said that if I followed through with processing the TRO he would hurt me.”

DA0046: “Threatening gesture - as if to punch. Told me not to let him catch me with anyone else, that no one is coming between him and his family. Has said he wants to kill himself.”

DA0068: “He’s possessive, hits things, threatens to take my son away if I leave him, threatens to kill himself if I leave him, unpredictably violent, calls me names and swears at me. He held a gun to his head and threatened to kill himself after accusing me of cheating on him.”

DA0090: "He says if I move to another state I won't be able to take my kids with me. He also says he wants to make my life miserable because he says I did that to him.”

DA0119: “He threatens to hit whoever would look at me.”
DA0197: “[He] approach me in an intimidating fashion, physically taunting me by turning his head and putting his cheek in my face and telling me to hit him.”

DA0199: “Run me over with car.”

DA0203: Respondent drew length of butcher knife down her right ear and throat.

DA0211: “Yells at me 5 inches from my face. Told me if I called police he would make sure I was 5 feet under.”

DA0212: “Threatened to take his life and mine if we’re not together.”

DA0262: “He said: You know me, I don’t lose. I go until I win. You’re dealing with a crazy guy right now. Nobody walks out of the house and does this to me. I’m starting to hate you now and when I start to hate you, I’m going to do things you don’t want to be done. [You] never crossed my path yet. You think you’re getting away - but you’re not. You don’t want to turn on me. I ought to ram you from the back.”

DA0282: “Came to work and told my boss if she kept me she would have trouble. Whenever I go to work, he would make trouble for me.”

DA0288: “He said, ‘I want to do worse things, but I don’t want to go to jail.’”

DA0298: “To cause me to lose my job and to take the children and to file a TRO against me.”

DA0299: “He said he wanted to beat me up and throw me out of the house and he will.”

DA0366: “Claimed child is not his and threatened to take the child away.”

DA0367: “When he picks up son, he told me I was freakin history.”

DA0381: “He threatens to hurt anyone who helps me, motions with hands and says ‘bring them on.’”

DA0393: “My life will be over. It’s not over till she says so. She will get me fired from my job.” (Female Respondent)
DA0453: “Punch concrete walls. Scared he'll punch me next.”

DA0460: “He believes in till death do us part -- only death can separate us -- threatened me with sickle knife.”

DA0486: “If I can't have the kids, you won't either. “

DA0522: “Threatened if he couldn't have my son nobody would. Said this is his blood and he would spread it all over.”

Military-related Male Petitioner:

DA0198: “Threatened me by having me jumped on by friends and by her new boyfriend (last July). Threatened many times to shoot me (last July). Threatened to go to my command to have me removed from housing.”

DA0290: “Wave knives in my face.”

DA0380: “... says she will ruin my career for not staying with her.”

DA0501: “I will take the children from you and you will not see them again.”

Civilian Male Petitioner:

DA0151: “Raised her fist to me like she was going to punch me.”

DA0157: “I believe she will continue to use illegal drugs around the children.”

DA0236: “She said she was going to shoot me and end my life.”

DA0259: “Threatened to have others hurt me.”

DA0293: “She told me she’d get her friends to beat me up.”

DA0303: “You watch out. She kept a knife by her bed.”

DA0330: “Told me often "don't mess with the courts - I am the courts." (works in Circuit Court). Brags about burning down last boyfriend's house and getting away with it. 'One day you'll get me so mad I'll kill you - then what?'”
DA0400: “She said she has nothing to lose, so I better watch out.”

DA0406: “Threw a pair of sharp scissors toward me twice in my direction, damaging lamps near my head.” (Male Respondent)

DA0433: “Three threatening voice messages on cell phone -- vulgar, harassing, to have me beat up.”

DA0450: “Said your life is over and she'll make my life hell.”

DA0468: “Raise fist and knife at me.”

DA0481: “To put me in jail if I leave her.”

Threats without physical violence. Threats alleged without physical violence constituted 8.8 percent of all petitions. Thirty percent of military-related male petitioners, 6.9 percent of military-related female petitioners, 17.0 percent of civilian male petitioners, and 8.8 percent of civilian female petitioners made this kind of claim. Most petitioners reporting threats without accompanying physical violence are male; this claim is most typical of military-related male petitioners. The most frequently reported threat in this category, as in the others, is of harm to the petitioner, for male petitioners and civilian female petitioners. Military-related female petitioners in this category most frequently reported threats to kill the petitioner. The next most frequently reported threat for military-related male petitioners and civilian female petitioners is “kill petitioner”; for military-related female petitioners it is to harm petitioner; and for civilian male petitioners, it is to have someone else harm petitioner. This category consists of very few petitioners.
Table 63: Frequencies: Threats without Physical Violence, by Military Status and Gender of Petitioner  P = petitioner

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
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<tr>
<td>n=3</td>
<td>n=2</td>
<td>n=8</td>
<td>n=24</td>
</tr>
<tr>
<td>Harm P</td>
<td>Kill P</td>
<td>Harm P</td>
<td>Harm P</td>
</tr>
<tr>
<td>33.3%</td>
<td>100.0%</td>
<td>50.0%</td>
<td>62.5%</td>
</tr>
<tr>
<td>Kill P</td>
<td>Harm P</td>
<td>Someone hurt</td>
<td>Kill P</td>
</tr>
<tr>
<td>33.3%</td>
<td>50.0%</td>
<td>37.5%</td>
<td>29.7%</td>
</tr>
<tr>
<td>Have arrested</td>
<td>Damage Prop.</td>
<td>Harm child</td>
<td>Weapon</td>
</tr>
<tr>
<td>33.3%</td>
<td>25.0%</td>
<td>12.5%</td>
<td>25.0%</td>
</tr>
<tr>
<td>Someone hurt</td>
<td>Kill P</td>
<td>Harm others</td>
<td>20.8%</td>
</tr>
<tr>
<td>33.3%</td>
<td>12.5%</td>
<td>20.8%</td>
<td></td>
</tr>
<tr>
<td>Kill others</td>
<td>Weapon</td>
<td>Harm child</td>
<td>16.7%</td>
</tr>
<tr>
<td>12.5%</td>
<td>12.5%</td>
<td>16.7%</td>
<td></td>
</tr>
<tr>
<td>Weapon</td>
<td>Third Person</td>
<td>Someone hurt</td>
<td>16.7%</td>
</tr>
<tr>
<td>12.5%</td>
<td>12.5%</td>
<td>16.7%</td>
<td></td>
</tr>
<tr>
<td>Kill Self</td>
<td>Have arrested</td>
<td>Kill self</td>
<td>8.3%</td>
</tr>
<tr>
<td>12.5%</td>
<td>12.5%</td>
<td>8.3%</td>
<td></td>
</tr>
<tr>
<td>Have arrested</td>
<td>Kill family</td>
<td></td>
<td>4.2%</td>
</tr>
<tr>
<td>12.5%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kill others</td>
<td>Kill others</td>
<td></td>
<td>4.2%</td>
</tr>
<tr>
<td>12.5%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Third Person</td>
<td>Third person</td>
<td></td>
<td>4.2%</td>
</tr>
<tr>
<td>12.5%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Threats reported by these petitioners were no different from those reported by petitioners who also reported physical violence against them. Petitioners’ statements about threats made to them by respondents (no physical violence reported) follow.

**Military-related Female Petitioner:**

DA0006: “He got a friend to tell my roommate to tell me to ‘watch your fucking car’ and a couple of weeks later my car was vandalized.”

DA0504: “What makes you think you'll be around to raise your children?’ ‘You'll get yours.’ He gestures in my face while saying these things.”
DA0548: “Gesture to hit me, threaten to call cops, because I kicked out his mom.”

DA0627: “Said you going die bitch, kept repeating it.”

Civilian Female Petitioner:

DA0015: “Calls me at work and at home -- all hours -- to say ‘I’m going to fucking kill you, you better watch out. You and your fucking family.’”

DA0108: “He said ‘he'll strangle the life from me, he'll see me in hell, he'll get even with me if it's the last thing he does.’”

DA0163: “Slows down by my parked car to scare me when I'm outside - threatened to take my car . . . Threat to hit me over and over again and make me fear him . . . Pulled up to me in parking lot and threatened to call CPS and get my children removed.”

DA0166: “Saying that he'll ‘shoot my head’ . . . Many times saying he wanna kill somebody and kill himself after.”

DA0430: “He said that he would have someone beat the crap out of me, put me in the hospital. He said ‘I'm going to break your neck and throw you down the stairs.’”

DA0445: “He threatens to turn my daughter against me, to beat up and kill my boyfriend, to make a scene at my work.”

DA0449: “If he runs into me and my boyfriend he'll beat both of us, no one will stop him. He is saying he'll take me to my boyfriend's house and show him ‘I mean business.’”

DA0452: “He made a scene at school -- why did you leave me?”

Military-related Male Petitioner:

DA0238: “She threatened to have someone from Mexico pay me a visit and it might be acted on.”

DA0340: “Insinuating she would get $100,000 from me if an ‘accident’ happened and told me I should be careful.”
Civilian Male Petitioner:

DA0041: "She had her boyfriend threaten me to not 'go that way' because I wouldn't let her see the kids."

DA0052: "She threatened to run me off the road."

DA0389: "She knows lots of people and they're all watching me."

DA0621: "Find and kill me or any girl I'm with. I want you dead. Don't care if I go to jail."

Property Damage

Court forms ask petitioners to describe property damage committed by respondents. This should be considered a form of emotional/psychological abuse since it is generally used to intimidate or punish victims. Property damaged by abusers is nearly always personal items and irreplaceable mementos of the victim. Property damage may also cause economic difficulty, such as when the damage is to a car needed to keep a job. Allegations of property damage made by civilian petitioners are most frequent when the petitioner is married to or has children in common with the respondent; among military-related petitioners, this is most frequently in married and dating relationships.
### Table 64: Allegations about Property Damage, by Relationship, Military Status, and Gender of Petitioner

<table>
<thead>
<tr>
<th>Alleges Property Damage</th>
<th>Civilian (% of all female (n=291) or all male (n=47) civilian petitioners)</th>
<th>Military-related (% of all female (n=33) or all male (n=14) military-related petitioners)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female %</td>
<td>Male %</td>
</tr>
<tr>
<td>Married</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civilian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Military-related</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relationship</td>
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<td></td>
</tr>
<tr>
<td>Divorced</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>Children in Common</td>
<td>41</td>
<td>14.1</td>
</tr>
<tr>
<td>Living Together</td>
<td>6</td>
<td>2.1</td>
</tr>
<tr>
<td>Lived Together</td>
<td>17</td>
<td>5.8</td>
</tr>
<tr>
<td>Dating</td>
<td>25</td>
<td>8.6</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>51.6</td>
</tr>
</tbody>
</table>

**Psychological/Emotional Abuse**

We also know that physical assaults are just the beginning of the abuse that women may be subjected to. There are millions of women who have never been beaten but who live with repeated verbal assaults, humiliation, sexual coercion, and other forms of psychological abuse, often accompanied by economic exploitation. The scars from mental cruelty can be as deep and long-lasting as wounds from punches or slaps but are often not as obvious. In fact, even among women who have experienced violence from a partner, half or more report that the man's emotional abuse is what is causing them the greatest harm.

The differences between the verbally abusive man and the physical batterer are not as great as many people believe. The behavior of either style of abuser grows from the same roots and is driven by the same thinking. Men in either category follow similar processes of change in overcoming their abusiveness – if they do change, which unfortunately is not common. And the categories tend to blur. Physically assaultive men are also verbally abusive to their partners. Mentally cruel and manipulative men tend to gradually drift into using physical intimidation as well. [Emphasis in the original] (Bancroft, 2002, p. 8)

Psychological violence (other than threats) has been variously categorized. One study of psychologists’ agreement about whether particular behaviors constituted abuse
used a cluster analysis to sort abusive behaviors into “conceptual groups”: 1) threats to physical health, such as “overt threats to harm or disfigure the wife, denial of access to medical care, and threatening the wife’s significant others”; 2) control over physical freedoms, including “restriction of basic physical freedoms such as not letting her sleep, preventing her from leaving the house, forcing her to eat from a bowl on the floor, and wanting to use her as a prostitute”; 3) destabilization “through intimidation, degradation, isolation/monopolizing, and control . . . [such as] threatening to hurt a pet, forcing the victim to beg for something essential, and limiting the victim’s use of the phone and car to control the flow of information in the house”; 4) dominating/controlling behaviors, such as “suspiciousness, other forms of isolation and/or monopolization, emotional blackmail and withholding, verbal abuse, and treating the wife as inferior”; and 5) “inept relationship behaviors . . . [such as] conformity to rigid gender roles as well as failure of the husband to fulfill expected social roles due to incompetence, selfishness, and inequity . . . [examples included] expecting dinner and housework to be done when deemed appropriate, not performing a fair share of household tasks, mismanaging funds, and refusing to see the wife’s family.” (Follingstad et al. 2000: 904-905) The Domestic Abuse Intervention Project “Power and Control Wheel” sorts abusive behaviors other than physical and sexual violence into these categories: 1) Using Coercion and Threats, “making and/or carrying out threats to do something to hurt her; threatening to leave her, to commit suicide, to report her to welfare; making her do illegal things”; 2) Using Intimidation, “making her afraid by using looks, actions, gestures — smashing things, destroying her property, abusing pets, displaying weapons”; 3) Using
Emotional Abuse, “putting her down; making her feel bad about herself; calling her names; making her think she’s crazy; playing mind games; humiliating her; making her feel guilty”; 4) Using Isolation, “controlling what she does, whom she sees and talks to, what she reads, where she goes; limiting her outside involvement; using jealousy to justify actions”; 5) Minimizing, Denying and Blaming, “making light of the abuse and not taking her concerns about it seriously; saying the abuse didn’t happen; shifting responsibility for abusive behavior; saying she caused it”; 6) Using Children, “making her feel guilty about the children; using the children to relay messages; using visitation to harass her; threatening to take the children away”; 7) Using Male Privilege, “treating her like a servant; making all the big decisions; acting like the ‘master of the castle’; being the one to define men’s and women’s roles”; and 8) Using Economic Abuse, preventing her from getting or keeping a job; making her ask for money; giving her an allowance; taking her money; not letting her know about or have access to family income.”

The allegations made in the petitions report those actions and words of the respondent that are of most current concern to the petitioner, and so the qualitative analysis of petitioners’ statements yielded a somewhat different scheme, though it resembles both of those referenced above: 1) attacks on the victim’s self-image/self-esteem (which includes most of the elements of destabilization and/or emotional abuse), 2) attempts to isolate the victim and control information available to her (destabilization), 3) stalking and harassment (which are not specifically listed in the referenced schemes, but include

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elements of isolation, domination and control, emotional abuse, and restriction of basic
physical freedoms), 4) psychological intimidation (destabilization, domination/control),
5) using children, and 6) economic abuse. Psychological violence is considered by
victims to be more harmful and harder to bear than physical violence, even with injuries.

Psychological violence is claimed by 93 percent of petitioners; since 86 percent of
petitioners also claimed physical violence, the typical petition (81%) contains allegations
of both psychological and physical violence. Ninety-two percent of male petitioners
claim psychological violence in their petitions. Fifty-eight percent of civilian male
petitioners claiming psychological violence also claim physical violence without physical
injuries; military-related male petitioners generally do not claim physical injury (93%),
but are evenly divided in claiming only psychological violence or psychological and
physical violence without injury. The majority of civilian female petitioners (94%) report
psychological violence, 54 percent with physical violence and without physical injuries,
46 percent with psychological violence and injurious physical violence. The majority of
military-related female petitioners (88%) claim psychological violence, 54 percent with
injurious physical violence, 46 percent with physical violence but not with injuries.

The distribution of claims of psychological violence is weakly related to both
military status and to gender of the petitioner \( \chi^2(1, n=390)=6.9, p<.05, \phi^2=.02 \). Most
of the variance occurs among military-related petitioners: military-related female
petitioners made fewer claims about psychological violence than expected (.8 of
expected) and military-related male petitioners made 1.86 times more claims than were
expected.

213
Only 12.3 percent of petitions include claims of psychological violence without claims of physical violence. These petitions are mostly by male petitioners: 46.3 percent of military-related male petitioners, 7.1 percent of military-relate female petitioners, 19.6 percent of civilian male petitioners, and 9.9 percent of civilian female petitioners.

Table 65: Allegations of Psychological Harm, by Relationship, Military Status, and Gender of Petitioner

<table>
<thead>
<tr>
<th>Alleges Psychological Harm</th>
<th>Civilian (% of all female (n=291) or all male (n=47) civilian petitioners)</th>
<th>Military-related (% of all female (n=33) or all male (n=14) military-related petitioners)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female  %</td>
<td>Male  %</td>
</tr>
<tr>
<td>Married</td>
<td>93  32.0</td>
<td>14  29.8</td>
</tr>
<tr>
<td>Divorced</td>
<td>27  9.3</td>
<td>2   4.3</td>
</tr>
<tr>
<td>Children in Common</td>
<td>66  22.7</td>
<td>12  25.6</td>
</tr>
<tr>
<td>Living Together</td>
<td>14  4.8</td>
<td>6   12.8</td>
</tr>
<tr>
<td>Lived Together</td>
<td>27  9.3</td>
<td>9   19.2</td>
</tr>
<tr>
<td>Dating</td>
<td>53  18.1</td>
<td>3   6.4</td>
</tr>
<tr>
<td>Total</td>
<td>280 96.2</td>
<td>46  97.9</td>
</tr>
</tbody>
</table>

**Attacks on Self-Image/Self-Esteem**

“Batterers use numerous tactics to degrade their partners. Victims might be treated like slaves, forced to wait on the batterers’ every whim. Batterers may verbally denigrate and insult their partners – calling them names, saying that they are no good, and claiming that no one else would want them as a partner. The victims’ feelings are trivialized; victims often are afraid to express their feelings for fear of physical repercussions. The victim’s accomplishments may be minimized or ignored. The victim’s worth is constantly destroyed, while the batterer’s worth is emphasized and glorified.” (Eigenberg, 2001, p. 61)

This category is divided into “Disrespect” and “Humiliation,” based on petition allegations. The subcategory “Disrespect” includes such acts as insults and name-calling, negative characterizations of the victim, blaming the victim for the abuser’s behaviors.
and problems, accusations (mostly of sexual infidelity) and jealousy. The subcategory "Humiliation" includes such acts as insulting and name-calling or controlling the victim in public venues or before family and friends, and coercing sex/rape. These allegations are the most frequent complaints of petitioners and are acts that damage a victim's perception of her (or his) worth and competence, as well as adversely affecting how others perceive the victim.

The distribution for respondents' attacks on petitioners' self-image/self-esteem is similar for military-related and civilian dyads [$\chi^2(1, n=279)=.2, p<.05$]; however it is somewhat dissimilar for female and male petitioners [$\chi^2(1, n=279)=4.5, p<.05, \varphi^2=.02$], though this is a weak effect. The majority of such attacks were aimed at women, who are overrepresented in the observed frequency.

In the following table, frequencies are stated as percentages of the set of petitions for each condition – psychological violence with physical violence and physical injury, psychological violence with physical violence and without physical injury, psychological violence without physical violence – and for each type of psychological violence.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Military-related Male (MM)</td>
</tr>
<tr>
<td>n=1</td>
</tr>
<tr>
<td>Disrespect</td>
</tr>
<tr>
<td>100</td>
</tr>
</tbody>
</table>

215
Disrespect. The distribution for claims of disrespect is similar for military-related and civilian dyads [$\chi^2(1, n=227)=.4, p<.05$] and for female and male petitioners [$\chi^2(1, n=227)=1.5, p<.05$]. The majority of petitioners making this claim are women (85%). Disrespect is the second most common allegation in the category of psychological violence.

Humiliation. The distribution of claims that respondents humiliate petitioners is similar for military-related and civilian dyads [$\chi^2(1, n=130)=.7, p<.05$]. It is quite dissimilar for female and male petitioners [$\chi^2(1, n=130)=11.2, p<.05; \phi^2=.09$], demonstrating a moderate relationship between petitioner gender and humiliation by respondent. The majority of petitioners making this claim (93%) were women, and it is civilian women who are overrepresented in the observed frequencies.

Disrespect and humiliation go hand in hand with injurious physical violence: where there are allegations of physical injury, disrespect is also alleged by 64 percent of military-related female petitioners, 67 percent of civilian female petitioners, 50 percent of civilian male petitioners, and one military-related male petitioner. Both humiliation and disrespect, accompanied by physical injury, are alleged by 78.6 percent of military-related female petitioners, 80.3 percent of civilian female petitioners, 58.3 percent of civilian male petitioners, and one military-related male petitioner. When there is no allegation of physical injury to accompany the physical violence, female petitioners make fewer claims about disrespectful words and actions (33% of military-related female petitioners and 60% of civilian female petitioners). Male petitioners actually make more claims.
about disrespect when they make no claims about physical injuries from physical violence (67% of military-related male petitioners, 55% of civilian male petitioners).

Humiliation is claimed by roughly equal proportions of military-related and civilian petitioners (15% of male and 36% of female military-related petitioners; 12% of male and 38% of female civilian petitioners). Civilian female petitioners report humiliation more often when there is no alleged physical injury (23% vs. 18% with physical injury alleged), which is opposite of military-related female petitioners, who report humiliation more often with physical injuries (23% with injuries; 15% without). Civilian male petitioners report humiliation rarely and in nearly the same proportion whether or not they report injuries (7% with and 9% without). Two military-related male petitioners reported humiliation, one with physical injury, one without. Humiliation disappears along with physical violence. Claims about disrespect nearly disappear when there is no claim of physical violence; only two military-related male petitioners made claims about disrespect in the absence of physical violence. One appears to be using the petition to affect child custody, the other complains of persistent phone calls.

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=4</td>
<td>n=9</td>
<td>n=20</td>
<td>n=111</td>
</tr>
<tr>
<td>Disrespect</td>
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<td>Disrespect</td>
<td>Disrespect</td>
</tr>
<tr>
<td>Humiliation</td>
<td>Humiliation</td>
<td>Humiliation</td>
<td>Humiliation</td>
</tr>
<tr>
<td>100.0</td>
<td>44.0</td>
<td>90.0</td>
<td>Disrespect</td>
</tr>
<tr>
<td>25.0</td>
<td>44.0</td>
<td>20.0</td>
<td>Humiliation</td>
</tr>
<tr>
<td>23.0</td>
<td>56.0</td>
<td>77.0</td>
<td>56.0</td>
</tr>
</tbody>
</table>

It is rare for petitions to contain claims about psychological violence without accompanying claims of physical violence.

217
Petitioners' statements about these attacks include being blamed for the respondents' problems, name-calling, accusations, humiliation in front of family and friends, forced sex, negative characterizations of their worth and competence, jealousy and statements that the respondent "owns" the petitioner — many accompanied by physical intimidation and threats. Where petitioners reported injurious physical violence, they report more kinds of disrespect and humiliation. When they report no physical violence, they report mostly name-calling.

Petitioners' statements about attacks on their self-image/self-esteem follow.

**Military-related Female Petitioners:**

DA0022: "I am to blame for his two convictions, I'm the reason he's in jail, I'm a liar, manipulator and 'rude bitch.'"

DA0063: "During conversations, tells me 'You're being an asshole, a fucking bitch.'"

DA0241(milfem): "Because I'm pregnant he calls me bitch, trick, everything. Blames me for not bringing him to his probation officer. Accuses me for cheating, so he'll force me to have sex so he could humiliate me."

DA0312: "He says, "She's the problem, fucking asshole. How can your friends like you if they know you?"

DA0323: "Calls me fucking bitch, adulteress, horrible mother."

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**Table 68: Frequencies: Psychological Violence without Physical Violence — Attacks on Petitioner's Self-Image/Self-Esteem, by Military Status and Petitioner Gender**

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>%</th>
<th>Military-related Female (MF)</th>
<th>%</th>
<th>Civilian Male (CM)</th>
<th>%</th>
<th>Civilian Female (CF)</th>
<th>%</th>
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<tr>
<td>n=2</td>
<td>%</td>
<td>n=2</td>
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<td>n=11</td>
<td>%</td>
</tr>
<tr>
<td>Disrespect</td>
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<td>Disrespect</td>
<td>100.0</td>
<td>Disrespect</td>
<td>100.0</td>
<td>Disrespect</td>
<td>100.0</td>
</tr>
<tr>
<td>Humiliation</td>
<td>18.2</td>
<td>Humiliation</td>
<td></td>
<td></td>
<td></td>
<td>Humiliation</td>
<td>18.2</td>
</tr>
</tbody>
</table>

218
DA0324: “Tells daughter I’m crazy. Has affairs repeatedly. Calls me crazy . . . Put nude pictures of me on the internet when I didn't agree with him about custody. Yells in my face.”

DA0359: “Constantly puts me down -- I'm not good enough. He blames me for everything, makes me feel guilty about going to work and not spending enough time with daughter. Threatens to take child. Tried to force me to do a threc-some.”

DA0442: “Blames me for his problems, humiliates me before friends. Brings his girlfriend home when I'm there.”

DA0575: “. . . one minute he loves me and the next he's calling me names and he hates me.”

Civilian Female Petitioners:

DA0001: “Told me I'm fat. Told me no one else will love me, that everything I have is because of him.”

DA0013: “. . . slapping me in front of people. Tells me that no one else will ever want me, that he'll replace me. Drinks and pulls my hair and curses at me -- always. Calls me bitch, cunt. Tells me "shut the fuck up or I'll do it for you."”

DA0027: “Called me a slut, cunt, bitch, etc. Said I'm not a good mother. Says I only use him. Says I am worthless and dumb.”

DA0031: “He forced me to prostitute my body to pay his bills.”

DA0033: “He calls me names, tells me to go out and get laid. Calls me derogatory sexual remarks.”

DA0034: “. . . tries to convince me whatever has gone wrong is my fault, swears at me constantly . . .”

DA0057: “He calls me bitch . . . says I am a bad mother and am breaking up the family.”

DA0059: “He calls me cunt, you fucking bitch. Calls daughter stupid bitch, fat cow, pig, and asshole. Blames me for everything. Humiliates me in public by calling me names and then tells me ‘I don't give a fuck who is listening.’”

219
DA0070: “Forces me to have sex and threatens to kill me... Puts me down and humiliates me in front of my children and friends. Swears at me and calls me names.”

DA0072: “Yells, screams, swears at me. Calls me bitch, asshole, whore. Embarrasses me in front of my neighbors and in public places. Denigrates my housekeeping, but he makes the mess.”

DA0093: “He calls me a whore, he's very controlling. He always tells me that he owns me.”

DA0098: “Blames me for his problems, denigrates me, humiliates me in front of his friends.”

DA0168: “This man would bring other women to the house or come home broke when we need to pay bills. He'd say it's my fault. He'd say he has sexual needs so he can do what he like. He belittled me in front of others.”

DA0223: “Yelling at me and calling me names like cunt, black dog, retard.”

DA0233: “Bitch, cunt, slut, hole, skank, ho, fuck you, hates me, ugly bitch, wished cancer on me, wished I'd died in pregnancy.”

DA0278: “Constant verbal, mental, emotional abuse. Name calling daily: I am a stink pussy, bitch, slut, whore, old bitch and others. Also he... spit on me.”

DA0280: “Said I'm dirty and disgusting, I smell bad, no one else is going to love me.”

DA0378: “He calls me a moron, tells me I'm crazy and have mental problems. He shouts at me, not stopping even when his mom tried to intervene.”

Military-related Male Petitioner:

DA0160: “Calling me stupid asshole, saying its always the man's fault no matter what. Alcohol abuse, she does these things when drunk -- destroys stuff, takes clothes off in public, leaves my son alone at home, kisses other people.”
DA0290: “Verbal: accuse me of adultery, trying to poison her and her son, molest son, says you're stupid, ugly, bald, liar, evil, Satan, worthless, gay, bi-sexual.”

DA0380: “... calls me a coward.”

DA0540: “She curses at me and asked me to cut my family off because she doesn't like them. She calls me a BITCH, WANNA BE NIGGER. Calls me a bad husband and a bad stepfather. She blames me for everything and nothing is good enough.”

**Civilian Male Petitioners:**

DA0054: “Yells and swears at me and calls me names.”

DA0215: “She constantly ridicules me.”

DA0231: “There is no reason to respect me and my wishes.”

DA0259: “She calls me names... and says I'm an unfit husband and father.”

DA0261: “She calls me bad names - punk, fucking ass, stupid, asshole.”

DA0293: “She called me a fucking manic depressive loser.”

DA0348: “Breaks me down mentally at every opportunity -- calls me loser, fuck up, drug addict, no money.”

DA0436: “She says I'm crazy, insane because I don't understand her. Claims I don't have common sense, she'd have to tell me what I need to do.”

DA0499: “Calls me worthless, fucking asshole, a waste, garbage.”
Isolation

"Batterers isolate their victims in a variety of ways. They often become “overly” possessive and “outrageously jealous.” They begin to assert that the victim must be having (or wanting to have) affairs and imagine that even the slightest conversation signals a passionate romance. They often monitor the victim’s actions and cut off contact with others, leaving victims isolated from any possible support systems. This tactic is especially powerful. The more isolated victims are, the more susceptible they are to the brainwashing that accompanies emotional abuse. It is easier to make a woman believe that it is her fault and that she deserves to be battered if no one else is allowed contact with her. Keeping her isolated ensures that loved ones will be prevented from telling her that no one deserves to be battered and that the problem is his. It also helps ensure that they may not have the support systems necessary if they need to escape...” (Eigenberg, 2001, p. 61)

Isolation is interfering with, weakening, destroying, and preventing formation of the victim’s relationships with other people. It includes controlling the victim’s associations – who she sees, who she talks to, her sources of information; controlling the victim’s movement – where she goes, for how long, requiring an accounting for every minute she is away from the abuser; ruining the victim’s reputation, turning her family and friends against her or recruiting them to the abuser’s side, stigmatizing the victim; jealousy – anger if she talks to other men, if they look at her, if the abuser thinks she looks at them; having others help the abuser to harass or stalk the victim; recruiting allies in controlling the victim, among her family, friends, and professionals such as police, doctors, counselors, clergy, and the courts; and, making suicide attempts in the victim’s presence or threatening to commit suicide if the victim leaves the abuser.

Isolation. The distribution for claims that respondents attempted to isolate petitioners is similar for military-related and civilian dyads [$\chi^2(1, n=203)=0, p<.05$]. It is
similar as well for gender of petitioner, though there is a great deal more variability \( \chi^2(1, n=203)=3.3, p<.05 \). However, in the comparison of military status and gender, the distribution is dissimilar, though this is a small effect size \( \chi^2(1, n=203)=8.3, p<.05, \phi_c^2=.04 \).

The following are components of isolation that were susceptible to the \( \chi^2 \) test.

*Control Associations.* The distribution for this variable is similar for military-related and civilian dyads \( \chi^2(1, n=86)=1, p<.05 \). It quite dissimilar for female and male petitioners \( \chi^2(1, n=86)=11.1, p<.05, \phi_c^2=.13 \), demonstrating a moderately strong relationship between these variables. Women are overrepresented in the observed frequencies.

*Control Petitioner's Movement.* The distribution of claims that respondents attempt to control petitioners comings and goings is similar for military-related and civilian dyads \( \chi^2(1, n=54)=1.7, p<.05 \). It is quite dissimilar for female and male petitioners \( \chi^2(1, n=54)=9.4, p<.05, \phi_c^2=.2 \), demonstrating a strong relationship between these variables. Women are strongly overrepresented in the observed frequencies and are 96 percent of all petitioners making this claim.

*Ruin Reputation.* The distribution for this variable is similar for female and male petitioners \( \chi^2(1, n=39)=.7, p<.05 \). There were too few military-related petitioners to make comparison between military-related and civilian dyads.

*Jealousy.* The distribution for jealousy is similar for military-related and civilian dyads \( \chi^2(1, n=76)=3, p<.05 \) and for female and male petitioners \( \chi^2(1, n=76)=0, p<.05 \).
Refuse to Stay Away. Only one civilian male petitioner made this claim, 95 percent making this claim are female petitioners. There were too few male petitioners and too few military-related petitioners to perform statistical testing.

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Military-related Male (MM)</td>
</tr>
<tr>
<td>n=1</td>
</tr>
<tr>
<td>Control Association</td>
</tr>
<tr>
<td>Recruit Allies</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
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</tbody>
</table>

224
<table>
<thead>
<tr>
<th>military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>%</td>
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<td>Control Association</td>
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<td>Jealousy</td>
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<td>Ruin Reputation</td>
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<td>Control Movement</td>
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<tr>
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<td>Jealousy</td>
<td>Recruit Allies</td>
<td>Ruin Reputation</td>
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<td>19.2</td>
</tr>
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<td>Refuse to Stay Away</td>
<td>Get Others to Harass</td>
<td>Refuse to Stay Away</td>
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<td>9.1</td>
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</tbody>
</table>
Table 71: Frequencies: Psychological Violence without Physical Violence – Isolation, by Military Status and Petitioner Gender

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=3</td>
<td>%</td>
<td>n=2</td>
<td>%</td>
</tr>
<tr>
<td>Ruin Reputation</td>
<td>33.3</td>
<td>Control Association</td>
<td>50.0</td>
</tr>
<tr>
<td>Jealousy</td>
<td>33.3</td>
<td>Ruin Reputation</td>
<td>50.0</td>
</tr>
<tr>
<td>Refuse to Stay Away</td>
<td>33.3</td>
<td>Ruin Reputation</td>
<td>50.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Refuse to Stay Away</td>
<td>50.0</td>
</tr>
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</table>

There is no qualitative difference in the statements of petitioners about isolation tactics used against them by respondents, whether or not they also alleged physical violence. Isolation is used more often, however, by respondents who are also alleged to have physically injured a petitioner. Following is a representative selection of the statements petitioners' made about respondents' efforts to isolate them.

**Military-related Female Petitioners:**

DA0306: “He held me captive. He took my car keys. He threatens suicide to make me stay. He attempted suicide and insisted I needed to witness it.”

DA0323: “He told me not to get TRO, I would be the one in jail. He follows me when I try to get space . . . Uses our religion to keep me in the marriage . . . When I try to call for help, he rips the phones out. He says I can leave but I won't get the kids.”
DA0386: “Stops me from leaving, blocking from leaving, [from] locking bathroom door.”

DA0423: “Takes car keys and ATM card . . .”

DA0442: “Took car keys, mail key, tore chain off front door.”

DA0575: “Controls my movements from room to room, keeps me trapped when he wants to talk, tells lies to my job, calls me all the time and drills me with questions, one minute he loves me and the next he’s calling me names and he hates me.”

Civilian Female Petitioners:

DA0013: “Preventing me from going out . . .”

DA0018: “He doesn’t allow me to go to see me family or friends without him.”

DA0020: “He came to my work place and yelled and swore at me, asked why I wasn’t going home . . . He is angry when I go to work.”

DA0027: “Makes me ask my grandmother for money or "else you’ll get it."”

DA0040: “[He] doesn’t help take care of the kids, tells me the kids are solely my responsibility. He will not allow me to get a job. I only talk to my friends when he’s not at home because I don’t know how he’ll react to them.”

DA0068: “He held a gun to his head and threatened to kill himself after accusing me of cheating on him.”

DA0093: “He has come to Hina Mauka [a resident drug treatment program] and asked me to come down stairs. He told me that he will be moving back with me whether I like it or not.”

DA0094: “He controls my movements, threatened to take the children to another state . . .”

DA0112: “[He] keeps me from going to the store . . . broke the phone.”
DA0129: “[He] controls who I talk to and what I wear, harasses me at work and school.”

DA0133: “He controls who I see, where I go and what I do ... Anyone I talk to he thinks I’m sleeping with.”

DA0142: “Controls who I see, who I’m with, who I talk to, always wants to know where I’m going and who I’m going with, what time I’m going to be back.”

DA0156: “[He] thought I called someone. He got upset and punched me in my left eye.”

DA0197: “Refuses to leave the home.”

DA0211: “Won’t let me out of my house or bedroom because he’s not done yelling at me.”

DA0213: “Has kids report everything I do. Wants to know where I am and who with at all times. Tells kids lies about me and puts me down to them.”

DA0214: “[He] tried to commit suicide in front of me twice and recently tried to hang himself. Blames me for his problems. Tells me if he sees me with others he will rip his heart out. Won’t let me out without him, accuses me of fooling around with relatives.”

DA0216: “Jealous and suspicious of any man who talks to me, like co-workers. Goes crazy when this occurs. If I don’t kiss him in front of co-workers he’ll make a scene.”

DA0232: “[He] caused me to lose several jobs, threatens my co-workers ... says he’ll burn down my father’s house ... Tries to commit suicide in front of me.”

DA0240: “He won’t let me out of his sight - prevents me from leaving during arguments. I can’t look anywhere or even escape unless its guaranteed I’ll get away, if not I get beaten.”

DA0246: “Constant calls at work, harasses my co-worker till she answers the phone ... Humiliates me in front of my friends ... He showed up at Lanakila Park and fired a gun into the air.”

DA0280: “Isolating me from family and friends.”
DA0287: “Won't let me talk to my friends, fellowship at my 12-Step meeting. Can't go to the bathroom, won't take me home, can't do or go anywhere without him. He is very controlling, always keeps me hostage with him. Tells me, If I can't have you, no one else will, you're mine till the day we die.”

DA0295: “Stay at my job and yelled at me any time I got close to a customer.”

DA0328: “[He] continuously call[ed] my job more than 50 times, hang up on co-workers, has my keys and drives my car, won't let me see my children.”

DA0440: “He has threatened to end my life if I leave him, so I was always afraid to leave.”

DA0451: “He's gonna send people to hurt me, I can't be with anyone else but him or he will kill my kids and I.”

DA0496: “He badgers and torments me every other week because he wants to talk when I want to sleep. Constant questions as if I'm on trial. Calls 10 -15 times a day. Embarrasses me in front of friends . . . He broke the handle of the car door so I couldn't get out.”

DA0527: He pulled a knife on me, threatened to kill me and if I call police he'll kill them too. He tried to drown me.”

DA0562: “Comes to work place, calls cell phone and my family's homes . . .”

DA0583: “[He makes] constant calls to cell phone to harass me if I won't talk to him, constant messages, threatens job . . .”

DA0597: “[He will] not let me go out on my own . . .”

Military-related Male Petitioners:

DA0290: “Won't let me do anything without her and her son with me.”

DA0380: “She may cause problems at work by calling my commander to make false reports to my chain of command or call CID.”
Civilian Male Petitioners:

DA0054: “Prevents me from leaving my home.”

DA0436: “Threatened to damage my reputation by calling my employer to say I’m crazy.”

DA0499: “Calling my family's home.”

DA0535: “She try to set me up on charges with police for assault, kidnapping, terroristic threatening because I’m on probation.”

DA0553: “Harassment to myself and friends by paging people and leaving my phone number or that of my friends.”

*Psychological Intimidation*

Psychological intimidation consists of acts and words meant to make the victim feel unsafe, such as breaking into the victim’s house, damaging doors, locks, windows, and screens (especially while coming in through them), punching holes in walls and doors, breaking furniture and other household items, yelling and swearing at the victim and children, making accusations against the victim (especially about sexual infidelity and especially unfounded), destroying the victim’s personal property (especially unreplaceable mementos and treasured possessions), trashing the house/apartment (creating work for victim, expense for repairs, and showing what could happen to her), ripping the victim’s clothes off her body (usually to check for signs of sexual activity) and ripping up her clothes and shoes generally, damaging the victim’s car (this makes the car unsafe – and also acts to isolate her). There is no qualitative difference between the statements made about psychological intimidation by petitioners who allege physical violence, with and without physical injuries, and those who do not. However,
psychological intimidation is more frequently alleged by petitioners who also allege injurious physical violence committed against them by respondents. It is also more typically alleged by female petitioners against male respondents.

Psychological Intimidation. The distribution for this variable is similar for military-related and civilian dyads \( \chi^2(1, n=272)=.03, p<.05 \) and for female and male petitioners \( \chi^2(1, n=272)=1.7, p<.05 \). Women are 85 percent of petitioners making this claim.

Housebreak. The distribution for this variable is similar for military-related and civilian dyads \( \chi^2(1, n=43)=.22, p<.05 \) and for female and male petitioners \( \chi^2(1, n=43)=2.5, p<.05 \). Women are 91 percent of petitioners making this claim.

Damage House. The distribution for claims that respondents broke windows, put holes in walls and such like is similar for military-related and civilian dyads \( \chi^2(1, n=52)=.8, p<.05 \). There were too few male petitioners to make comparison by gender of petitioner; 96 percent of petitioners making this claim are women.

Yell and Swear. The distribution for claims that respondents yell and swear at petitioners is similar for military-related and civilian dyads \( \chi^2(1, n=77)=.12, p<.05 \); however it is quite dissimilar for female and male petitioners \( \chi^2(1, n=77)=12.6, p<.05, \phi_e^2=.2 \), demonstrating a strong relationship between these variables. Women are 97 percent of petitioners making this claim.

Accusations. The distribution of claims that respondents constantly accuse petitioners of such things as infidelity does not vary between military-related and civilian
dyads \[\chi^2(1, n=52)=1.7, p<.05\] nor between female and male petitioners \[\chi^2(1, n=52)=1.8, p<.05\]. Women are 89 percent of petitioners making this claim.

*Damage Personal Property.* The distribution for claims that respondents damaged or destroyed petitioners’ personal property is similar for military-related and civilian dyads \[\chi^2(1, n=100)=1.7, p<.05\]. It is quite dissimilar for female and male petitioners \[\chi^2(1, n=100)=4.6, p<.05, \varphi_c^2=.05\], demonstrating a weak relationship between these variables. Women are 91 percent of petitioners making this claim.

*Damage Living Space.* The distribution for claims that respondents tore up rooms, broke furniture, or just threw things around so that petitioners would have to clean up is similar for military-related and civilian dyads \[\chi^2(1, n=76)=.12, p<.05\] and for female and male petitioners \[\chi^2(1, n=73)=0, p<.05\].

*Damage Car.* The distribution for claims that respondents slashed tires, dented doors, scratched paint, or otherwise damaged petitioners cars is similar for military-related and civilian dyads \[\chi^2(1, n=77)=1.13, p<.05\] and for female and male petitioners \[\chi^2(1, n=77)=1.4, p<.05\]. Women are 77 percent of petitioners making this claim.
Table 72: Frequencies: Psychological Violence with Physical Violence, with Physical Violence and Physical Injury – Psychological Intimidation, by Military Status and Petitioner Gender

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=1</td>
<td>%</td>
<td>n=8</td>
<td>%</td>
</tr>
<tr>
<td>Damage living space</td>
<td>100</td>
<td>Yell Swear</td>
<td>62.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Destroy personal property</td>
<td>37.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Damage living space</td>
<td>25.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Break Into House</td>
<td>25.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Damage Walls</td>
<td>25.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Damage Car</td>
<td>25.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Accusations</td>
<td>12.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rip Clothes Off</td>
<td></td>
</tr>
</tbody>
</table>
## Table 73: Frequencies: Psychological Violence with Physical Violence, no Physical Injury – Psychological Intimidation, by Military Status and Petitioner Gender

<table>
<thead>
<tr>
<th></th>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=6 %</td>
<td>n=11 %</td>
<td>n=22 %</td>
<td>n=108 %</td>
<td></td>
</tr>
<tr>
<td>Destroy Personal Property</td>
<td>28.6</td>
<td>Yell Swear 27.3</td>
<td>Damage Car 45.5</td>
<td>Yell Swear 34.9</td>
</tr>
<tr>
<td>Damage living space</td>
<td>28.6</td>
<td>Destroy personal property</td>
<td>Damage living space 36.4</td>
<td>Destroy personal property 33.0</td>
</tr>
<tr>
<td>Accusations</td>
<td>28.6</td>
<td>Damage living space 27.3</td>
<td>Destroy personal property 31.8</td>
<td>Damage living space 22.0</td>
</tr>
<tr>
<td>Yell Swear</td>
<td>14.3</td>
<td>Accusations 25.0</td>
<td>Break Into House 13.7</td>
<td>Damage Walls 21.1</td>
</tr>
<tr>
<td>Damage Car</td>
<td>14.3</td>
<td>Damage car 18.2</td>
<td>Damage Walls 4.6</td>
<td>Damage car 21.1</td>
</tr>
<tr>
<td>Damage Walls</td>
<td>9.1</td>
<td>Yell Swear 4.6</td>
<td>Accusations 19.3</td>
<td></td>
</tr>
<tr>
<td>Break Into House</td>
<td>9.1</td>
<td>Accusations 4.6</td>
<td>Break Into House 13.8</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Rip Clothes Off 2.8</td>
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</tr>
</tbody>
</table>
Table 74: Frequencies: Psychological Violence without Physical Violence – Psychological Intimidation, by Military Status and Petitioner Gender

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Destroy Personal Property</td>
<td>n=2 %</td>
<td>n=2 %</td>
<td>n=3 %</td>
</tr>
<tr>
<td>50.0</td>
<td>100.0</td>
<td>66.7</td>
<td>31.3</td>
</tr>
<tr>
<td>Accusations</td>
<td>50.0</td>
<td>100.0</td>
<td>66.7</td>
</tr>
<tr>
<td>33.3</td>
<td>25.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Damage Car</td>
<td>33.3</td>
<td>12.5</td>
<td></td>
</tr>
<tr>
<td>Yell Swear</td>
<td>12.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Break Into House</td>
<td>6.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Damage living space</td>
<td>6.3</td>
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</tbody>
</table>

Petitioners' statements about psychological intimidation tactics used against them by respondents follow.

**Military-related Female Petitioners:**

DA0241: “Punched car, broke house, jealousy, broke cell phone and personal belongings.”

DA0251: “Broke glass in the china cabinet; broke kids' bedroom window (coming in it); cut car tires.”

DA0304: “[He] pull[ed] phone out of wall... Take personal items out of purse and drawers (jewelry, credit cards and phone numbers). Waking me up in the middle of the night because he wanted to talk. Threatened to cause loss of job, to take the car so I couldn't work or take [child] to day care. Listening to work and cell messages without permission. Following me to work. Accuse me of being in another relationship. Threatening to
call CPS and have [child] taken away, threats to take [child] away. Slut, whore, swearing, not paying household bills, refuses to move out.”

DA0323: “Extreme swings between anger and calm, no in between. Filing for divorce - says I have no right to file and I'm ruining our family. So he will take our children instead of them going to a woman who listens to Satan.”

DA0332(milfem): “Try to break glass out of back door and kick in door to enter.”

DA0423: “[He broke my] cell phone, jewelry.”

DA0432: “Yells in my face. Unpredictable violence. Takes anger with me out on kids.”

DA0442: “Broke into house, took wedding album, jewelry, pictures, VHS, went through my purse. Took car keys, mail key, tore chain off front door.”

DA0455: “He came to my house and refused to leave. I cannot live in peace.”

Civilian Female Petitioners:

DA0001: “He forced his way into my house... Broke bedroom door, broke mirror, kicked dent in my car, pulled mirror off my car, threw my computer off the balcony.”

DA0013: “Ripping up my shirt and shorts.”

DA0026: “He threw wedding pictures in the trash, urinated on them. Destroyed documents that might be used against him in the divorce.”

DA0036: “Came to my house and yelled at me from the parking lot. Called me a whore, swore at me, said I was defrauding welfare, that I am a drug addict.”

DA0060: “Stole my car, which was found in Halawa.”

DA0070: “Threw my clothes on the road, ripped my clothes. Took my wallet and hand bag.”
DA0079: “Ripped clothes, threw the telephones, punched hole in door, broke closet door.”

DA0113: “Broke into room, stayed for two weeks, breaking things, drew life sized picture of me with words ‘Evil Satan [her name]’ with hole punched out in it. Stole numerous belongings, vandalized heirloom property, damaged car.”

DA0126: “Yells at me in public. Accuses me of having a boyfriend (to children). Threatens to quit his job to withdraw financial support (often), claims to have filed to withdraw deferred compensation balance.”

DA0129: “Ripped my uniform off and my name tag.”

DA0133: “He tore up my pictures of friends and my phone numbers.”

DA0140: “He threw my telephone and broke it. He threw my clothes all over the house and stepped all over them. He threw things at the walls and put holes in the walls.”

DA0178: “Damaged all four doors of car, broke car window, damaged my clothes with clorox, punched holes in the wall, broke my TV.”

DA0197: “Blames me for all his problems, calls me names and swears at me. Accuses me of having an affair. Verbally abusive to our child. Having drugs present around the house. Does not provide money to support household or our child. Refuses to leave the home.”

DA0210: “He threw my cell phone against the wall and broke it. He also broke my bracelet while I was wearing it.”

DA0213: “Punched walls and broke three bones in his hand. Stabbed walls with kitchen knives. Broke coffee table.”

DA0222: “Kicked out the bottom of the aluminum screen door into the carport; threw framed photo against the wall. He ripped my shirts... didn't leave house as I was told by police he would. Called me a cunt and a god-damned haole. Ripped off my clothes.”

DA0240: “Removed jalousie windows, broke screen trying to unlock my door.”
DA0254: “Keyed the car, took business property and damaged it, punctured tires of my business trucks.”

DA0257: “He kicked and broke the front door, threw rocks at the windows and broke two of them and cut the screens.”

DA0263: “Broke TR, microwave, telephone, ice box. When I called police during fight (he was breaking things) he broke the phone.”

DA0280: “Has picked up our child from school early and myself with his gun. Called me in the middle of the night. Punched the fridge.”

DA0334: “Kick front door and broke lock. Threw chair and damaged floor tile.”

DA0336: “He is angry and loud, scary. Since coming out of jail, he has caused lots of property damage and verbal abuse . . . Breaks almost everything - has destroyed almost all of my possessions -- door frame, doors with holes, oven door, TV, camcorder, furniture, computer.”

DA0361: “Says everything gotta be my way, he has no say. [He] break[s] windows, punch walls, throw things all over the place. Broke through gates.”

DA0363: “He cut up my clothes and ID.”

DA0369: “Broke axle on car . . . Controls money, demands money from me, drug use, calls me bitch, slut, bother me at work for money, deposited stolen check in my bank account.”

DA0376: “He blames me for his anger and punches walls.”

DA0381: “Blames all his problems on me. Denies. Says he has nowhere to live and must live with me -- it is all my fault. He eavesdrops on conversations. Swearing.”

DA0426: “Damage car so it wouldn't start, slash tires, threw rock and broke the window, damaged the lock on circuit breaker box, let the air out of tires . . . He threatened me at gas station with lighter, saying "You want me to do something?" Tells daughter I'm not her mother and he's not her father. Swears and yells.”
DA0405: "Threw my and my daughter's possessions on the lawn in rain storm (HPD report). Punched interior of car. Cut up my clothing. Smashed the cell phone."

DA0447: "He comes to my house, walks in, goes through my things, messes up my house, threatens to take our children."

DA0496: "He broke the handle of the car door so I couldn't get out. He broke my sculpture. He broke into my house seven times since the break up to try to get me back."

DA0555: "[He] yelled at me in middle of the night for long periods."

DA0558: "Breaking into the house and broke the back door and started to yell at me."

**Military-related Male Petitioner:**

DA0037: "She has accused me of storing ammo in the barracks, while I was on leave which could have me thrown in prison. She is manipulating and making allegations to hurt me personally and professionally.

DA0160: "... saying its always the man's fault no matter what. Alcohol abuse, she does these things when drunk -- destroys stuff, takes clothes off in public, leaves my son alone at home, kisses other people."

DA0192: "Threw my phone against the wall and shattered it."

DA0198: "Broke my glasses when she was drunk and upset."

DA0290: "Break alarm clock and flashlight."

DA0340: "Continually calls work accusing me of harassing and threatening her (both military and second job). Called police and got me falsely arrested for assault/harassment when she pinched herself and said I hurt her . . ."

DA0380: "Break windshield wipers, keyed truck."

DA0540: "She curses at me . . ."
Civilian Male Petitioners:

DA0054: “Kicked in the door of my truck, sat on and dented the roof. Yells and swears at me.”

DA0077: “Keyed my car.”

DA0206: “Slammed fridge door I fixed by tape . . . Says I’m having sex with other women in our building.’

DA0219: “Broke dishes . . . Disruptive behavior, always changing plans. Stayed away at night. Frequent outbreaks of arguing. Tried to hurt a friend of mine. Tries to control everything by lying, arguing and manipulating.”

DA0326: “Broke into house through window and screen, steal cash, savings bonds, other stuff. Broke vehicle tail light.”

DA0330: “Cut electrical wires secretly on my moped, threw my surfboard on the tile floor and badly dinged it.”

DA0348: “Smashed $700 worth of cologne, crystal wine glasses, $300 cell phone, BMS car door, and other incidentals. She stole jewelry, household stuff, money and other stuff. Gave it to her friends.”

DA0369: “Break screen window, molding in car window, holes in door, paint on cushions, stab surfboard, twist sunglasses . . . Accuses me of having sex with every woman she sees me with -- neighbor’s wife, friends, girl friends, landlord.

DA0406: “[He] Damaged my car hood and side panel ($1,200 repair), broke 2 lamps (replaced), broke 2 inside doors by throwing his body against locked inside doors, damaged walls (repair requested).” (Male Respondent)

DA0410: “Slashed truck tires (last year).”

DA0473: “Throwing sheets into the shower stall, running the water and flooding my rooms.”

DA0499: “Smash my bedroom window while I sleep. Kicked in car door.”

DA0535: “Broke my lamp, tried breaking into apartment, cut window screen, tried to break my car window. Broke glass on walls. Hit me in the body.”

DA0553: “Bumping my vehicle with her vehicle.”

DA0631: “Break dishes, tear up my personally bought items and sheets, and the camping equipment.”

**Stalking/Harassment**

“Domestic violence is a peculiar crime with its own dynamics and special risks. Even women who do what society tells them is right, and leave at the first sign of violence, often fall prey to continued harassment. Stalking is a particular problem for women who leave, whether its sooner or later. The vast majority of stalking crimes are committed by former husbands or boyfriends against women who have left the relationship . . . Stalking involves any pattern of behavior that serves no legitimate purpose and is intended to harass, annoy, or terrorize the victim . . . Typical stalking activities include repeated telephone calls, letters or gifts by mail, surveillance at work, home, and other places the victim is known to frequent, vandalism of the victim’s car or other possessions, and physical encounters . . . The National Council on Stalking advises that a stalker should be considered dangerous if he has a previous criminal record or history of mental instability; if acts of vandalism or destruction have been committed; if he is unable to control his temper; if there has been physical contact between the stalker and the victim; if he lives in isolation; if he has a substance abuse problem; if he has been in a violent domestic relationship; if he has or is familiar with using guns; if threats have been made to the victim; or if the stalker has felt humiliated by the victim.” (Berry, 200078, p. 5)

In this population, the stalking activities were waiting and watching outside the petitioner’s home and place of work (Wait at House and Work), constant unwanted calls, email and letters to petitioner (Persistent Contact), calls and visits to petitioner’s family,

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friends and employers (Contact Others), following petitioner outside home and work (Follow Everywhere), and breaking into petitioner's home or getting family to let the respondent into the home in petitioner's absence (House Trespass). Reported stalking experiences differ by gender of the petitioner—female petitioners report more of the more serious behaviors of following, surveillance (waiting and watching), and house trespass, whether or not they also report physical violence or injuries. Male petitioners complain most of persistent, unwanted phone calls, and relatively little of the following and watching and waiting that female petitioners report.

*Stalking/Harassment.* The distribution for claims that respondents stalked petitioners is similar for military-related and civilian petitioners $[χ²(1, n=180)=0, p<.05]$ and for female and male petitioners $[χ²(1, n=180)=.15, p<.05]$. Women are 83 percent of petitioners making this claim.

<table>
<thead>
<tr>
<th>Table 74: Frequencies: Psychological Violence with Physical Violence and Physical Injury – Stalking/Harassment (by petitioner category)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Military-related Male (MM)</strong></td>
</tr>
<tr>
<td>n=1</td>
</tr>
<tr>
<td>Wait at House and Work</td>
</tr>
<tr>
<td>Persistent Contact</td>
</tr>
<tr>
<td>House Trespass</td>
</tr>
<tr>
<td>Follow Everywhere</td>
</tr>
</tbody>
</table>

242
Petitioners’ statements about stalking and harassment by respondents (with allegations of physical violence and physical injury) follow. Female petitioners’ statements about stalking are accompanied by threats from the respondent, attempts at isolation, and respondents’ attempts to retaliate for their leaving the relationship or to regain control. Male petitioners’ statements are most often about respondents’ calling about custody and other issues about children and impending divorces.

**Military-related Female Petitioners:**
DA0226: “Showing up at my house unannounced; call my cell twenty times in one night . . .”

DA0241: “Constantly comes to house.”

DA0251: “Comes to my job to fight with me. Broke into house. Stole kids’ shot records and birth certificates.”

DA0306: “He stalks me . . . He held me captive. He took my car keys. He threatens suicide to make me stay. He attempted suicide and insisted I needed to witness it.”

DA0423: “Says he needs me and can’t live without me. He will stay on island when discharged just so he can see me . . . calls at 2 or 3 a.m. - drunk - and asks to see me. I have a military MPO. He’s begging me not to divorce him, he’s cheated on me, he says he’ll sue me, he asked to see me this weekend.”

**Civilian Female Petitioners:**

DA0001: “Towards the end of the last TRO, he kept telling me how the TRO was expiring soon and how me and my boyfriend better watch out. Then as soon as it expired, he was at my house trying to get in.”

DA0013: “Preventing me from going out; showing up in public places to harass me . . .”

DA0047: “He watches me and hangs inside my building . . .”
DA0079: “Come to my house without permission, watch my house from across the street, doesn't leave house when told to go, calls my house and leaves messages more than 30 times a day, saying "I'm going to kill you, you fucking bitch, I'm going to call CPS to take away the children." Calls and harasses my sister.”

DA0099: “I know that he was looking for me . . .”

DA0104: “Calls my cell phone to leave obscene messages. This disturbs me and I think he has some kind of regrets.”

DA0113: “He called me 20 times in one day, to tell me that I was forcing him to murder me because I was disrespecting him. I told him he stalks me and is trying to destroy every aspect of my life. Has stolen all personal files. He often calls and says get ready, I'm gonna murder you and your dogs because you care more about your dogs than you do about me. Threatens to have me arrested.”

DA0210: “He shows up at my residence without notice. Constant phone calls to my parents.”

DA0221: “He shows up at my place of work although I gave him a letter stating I no longer wanted to see him.”

DA0246: “Tried to break into my home. Constant calls at work, harasses my co-worker till she answers the phone . . . He showed up at Lanakila Park and fired a gun into the air.”

DA0272: “Constantly calls my cell phone.”

DA0287: “He calls my daughter's house, where I am staying, to harass me. Stalks me at AA meetings.”

DA0318: “Calls any time of night to see if I'm home.”

DA0328: “[S]talk me at my job, wait for me to leave work or around the corner, continuously call my job more than 50 times, hang up on co-workers . . .”

DA0439: “He won't let go -- I'm in new relationship. Knows my bus stops and jogging path where I live and when I'm alone . . . Calls, text messages . . .”
DA0368: “Harassment, stalking, threatens and harasses me and my co-workers at my job. My friends, auntie and church members I know, he harasses.”

DA0435: “Stalking me at job, calling at my job, sending family member to my parents' house looking for me, nearly killed me in physical beating.”

DA0447: “He comes to my house, walks in, goes through my things, messes up my house, threatens to take our children.”

DA0458: “Since we separated he follows me around.”

DA0478: “[He] stalks me, calls repeatedly and hangs up.”

DA0503: “Stalks me. He sits outside in his car and plays my favorite song loud and over and over while revving the car engine from 7:15 to 7:40 p.m.”

DA0528: “Stalks me, broke into my house, trapped me at home, climbs over wall of gated community . . .”

DA0572: “Comes to my job and stalks me. Drug and alcohol abuse. Controlling. This was the cause for me and my kids to move onto another island and seek counseling for ourselves. Told me that he already has picked out a grave site for me.”

DA0615: “Calling my house at all hours, coming over without permission . . .”

Military-related Male Petitioner:

DA0540: “She harasses me at work and on the phone. She said she has people watching me on duty.”

Civilian Male Petitioners:

DA0077: “Harassment coming to my house and business unannounced. Calling my daughter at University of Washington in harassment. Coming in my house without my permission.”

DA0116: “Call cell daily to yell about how I'm raising my kids.”
DA0231: “Daily harassment in person at my office. Repeated harassing text and email messages -- daily repeated unannounced visits to and removal of items from marital residence. When I have our son, constant text messages to have son call her.”

DA0499: “Putting letters in my mailbox. Driving by late at night.”

| Table 76: Frequencies: Psychological Violence with Physical Violence, No Physical Injury – Stalking/Harassment, by Military Status and Petitioner Gender |
|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
| Military-related Male (MM)                      | Military-related Female (MF)                     | Civilian Male (CM)                               | Civilian Female (CF)                              |
| persistent contact                             | persistent contact                              | persistent contact                              | persistent contact                               |
| n=3                                            | n=6                                            | n=13                                            | n=73                                            |
| 66.7                                           | 66.7                                          | 53.9                                            | 64.4                                            |
| Wait at House and Work                         | Wait at House and Work                          | Contact others                                  | Wait at House and Work                           |
| 33.3                                           | 50.0                                          | 46.2                                            | 39.8                                            |
| House Trespass                                 | Wait at House and Work                          | 16.7                                            | Follow Everywhere                               |
| 16.7                                           | 30.8                                          |                                                | 26.0                                            |
| Follow Everywhere                              | Follow Everywhere                              | 3.3                                             |                                                |
|                                                |                                                |                                                  |                                                |
|                                                |                                                |                                                  |                                                |
|                                                |                                                |                                                  |                                                |
|                                                |                                                |                                                  |                                                |
|                                                |                                                |                                                  |                                                |

Petitioners' statements about stalking and harassment by respondents (with allegations of physical violence but not of physical injury) follow. For these petitioners, persistent contact is the major complaint and is reported at a higher rate. Surveillance activity (following, watching and waiting and house trespass) is reported at lower rates, especially for civilian male petitioners.

**Military-related Female Petitioners:**

DA0006: “Constant calls at work and on my cell, trying to cause me to lose my job (he called and came twice to my work place), regularly comes to my house any hour of the day.”

DA0323: “He follows me when I try to get space.”

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DA0455: “Calling me at work and at home. Emails me at work. Leaving messages that he will come to my house. He said that I won't know when he'll just show up. He came to my house and refused to leave.”

DA0548: “Coming to house and catch me outside a house or store.”

**Civilian Female Petitioners:**

DA0018: “Calls me on the phone repeatedly -- until I answer.”

DA0020: “He came to my house and asked why I didn't want him anymore, told me he would kill himself if I left him. He came to my work place and yelled and swore at me, asked why I wasn't going home. As I walked to my car, he began pushing me.”

DA0031: “If he finds me he will take everything I have, such as my lds, passports, etc He will bother me at school.”

DA0034: “I can't sleep at night worrying if he will show up at my window. I feel like a prisoner in my own house.”

DA0046: “Call on cell phone and leave messages begging me to come back to him. Leaving text messages asking how I could do this to him and the baby. I'm frustrated and distressed that he is always waiting to catch me doing something.”

DA0127: “Calling my home, in-laws; says he's going to blow up their house, kill them, stalked me at work, my old job put TRO on him because he called every minute . . .”

DA0129: “[He] harasses me at work and school, calls all hours of the day.”

DA0138: “We have been divorced for 1 1/2 years and he comes to my house every day and threatens to take stuff from my home. He does not follow the divorce decree regarding the visitation schedule and he comes to the house and harasses me. He climbed my fence this morning, got hurt and threatened to sue me for injuries.”

DA0199: “Stalks me in front of the house.”
DA0212: “[He] shows up at my house and where he knows I’ll be, unwelcomed. Stalks places he knows I’ll be. Follows and harasses me.”

DA0213: “Sneaks into house at 5 a.m. Calls in the middle of the night.”

DA0224: “Calls my job 5 to 10 times a day. Leaves messages on voice mail, yelling.”

DA0291: “He started calling and harassing me at my job . . “

DA0315: “Comes to my job, follows me to store, comes to my parents, follows me to my parents. I saw him on the road driving there.”

DA0327: “Harassing me on cell phone about 80 times, leaves messages on house and cell phones calling me a bitch, whore, slut, tells me he’ll kill me if he ever sees my face and the cops won’t be able to do anything about it, he’ll fuck me up when he catches me.”

DA0420: “threaten to stalk me forever”

DA0421: “[He] keeps coming to apartment, threatening calls . .”

DA0422: “Harasses me at work, leaves messages on my cell [bitch, whore plus "silly little broad"]. Rammed me on the road. Fights with my family and friends. Follows me to work, where he caused a scene with the manager. Calls me at work to tell me he’ll be beating me when I get home. Calls to fight with co-workers or whoever is talking to me.”

DA0434: “My TRO recently expired and he is back home again. He started to control everything; taking my car, taking my cell phone and my daughter’s cell phone. He follows me everywhere I go, leaves threatening messages on phone . . “

DA0453: “Harass at work by yelling and following me insisting I talk to him . . Calls to home at 10 minute intervals wanting to talk.”

DA0505: “Calls every night, sleeps in the parking lot outside my apartment building. Watches and follows me wherever I go. Threatens to report me to immigration. When I don’t answer his calls he calls my friends to make threats.”
Military-related Male Petitioners:

DA0380: “She calls at all hours.”

DA0501: “Continuous calls at work.”

Civilian Male Petitioners:

DA0303: “Calls my phone daily and checks on what I do daily.”

DA0326: “Calling at all hours of morning to me and my friends.”

DA0433: “[She] stalks by driving past the house and into the garage to see if my vehicle is there. Calls my contacts looking for me.”

DA0553: “Following me home. Constant phone calls and messages.”

<table>
<thead>
<tr>
<th>Table 77: Frequencies: Psychological Violence without Physical Violence – Stalking/Harassment, by Military Status and Petitioner Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military-related Male</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>n=4</td>
</tr>
<tr>
<td>Persistent Contact</td>
</tr>
<tr>
<td>Contact Others</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Petitioners' statements about stalking and harassment by respondents (without allegations of physical violence) follow.

Military-related Female Petitioners:

DA0304: “Following me to work.”
Civilian Female Petitioners:

DA0015: “Calls me at work and at home -- all hours -- to say "I'm going to fucking kill you, you better watch out. You and your fucking family."

DA0064: “I had to change my cell phone number. He calls me many times a day. He emailed me 45 times in one day . . . He came to my apartment unannounced and uninvited. Stalked me after the break-up.”

DA0073: “Harassment, stalking, crank calls to my parents, unwanted email, harassing my friend, stalking me at my relatives' and friends' houses, sitting in his car outside my house for hours, following my car, hiding in the bushes near my car at my last job.”

DA0159: “Comes to the house often. Visited work place with baseball bat. Stalking, follows without permission.”

DA0550: “Stalking, manipulative words, constant phone calls, calls to UH Manoa, tracking down my family and friends . . .”

Military-related Male Petitioners:

DA0148: “Calling when my children are in my custody, multiple times (5 times in 3 hours).”

DA0238: “Relentless phone calls at all hours of the night.”

Civilian Male Petitioners:

DA0141: “Harassment at work, home, anywhere, stalking - by calling every hour or half hour at home, coming to my job and wants to talk or see who I'm with, calling my cell phone every time, giving stress of how we're going to work things out.”

DA0389: “She'll call and harass my female friends and me at night.”

DA0587: “She continues to call and leave abusive messages on my cell and work phones, abuses me verbally when I do answer her calls, and has written abusive letters in regard to my personal and professional relationships. She refuses to accept our divorce, and I suspect she may have even stalked myself and my friends.”
Physical and Psychological Harm to Children

Petitioners reporting physical violence without describing physical injuries were more likely to report that their children were being physically harmed. In these petitions, the harm to the child appears to be the primary motivation for seeking protection from the respondent. Reported physical harm to children includes sexual molestation. Physical violence towards the mother is frequently accompanied by physical and psychological abuse of her children. The court forms do not ask petitioners about whether their children have witnessed abuse of a parent (psychological harm to the children) or have been the target of a parent’s physical or psychological abuse; therefore the numbers reported here are probably an understatement of this problem in this population.

The table below shows the expected pattern for physical and psychological harm to children when a parent is a victim of partner abuse. In the majority of cases, the parent reports the physical and psychological abuse of the child and physical violence towards herself (nearly all of these petitioners are women) but without volunteering information about her own injuries.
Table 78: Co-occurrence of Abuse of Parent and Children
(Number of petitioners)

<table>
<thead>
<tr>
<th>Description</th>
<th>MM 14</th>
<th>MF 33</th>
<th>CM 47</th>
<th>CF 291</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Harm to Child, Physical Harm to Parent</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Psychological Harm to Child, Physical Harm to Parent</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>26</td>
</tr>
<tr>
<td>Physical and Psychological Harm to Child, Physical Harm to Parent</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>Physical Harm to Child, Physical Violence Against Parent</td>
<td>1</td>
<td>8</td>
<td>2</td>
<td>31</td>
</tr>
<tr>
<td>Psychological Harm to Child, Physical Violence Against Parent (No physical injury)</td>
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<td>9</td>
<td>0</td>
<td>54</td>
</tr>
<tr>
<td>Physical and Psychological Harm to Child, Physical Violence Against Parent (No physical injury)</td>
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<td>6</td>
<td>0</td>
<td>21</td>
</tr>
<tr>
<td>Physical Harm to Child, No Physical Violence Against Parent</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Psychological Harm to Child, No Physical Violence Against Parent</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Physical and Psychological Harm to Child, No Physical Violence Against Parent</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Total Petitioners</td>
<td>5</td>
<td>11</td>
<td>3</td>
<td>67</td>
</tr>
<tr>
<td>% of petitioner category</td>
<td>35.7</td>
<td>33.3</td>
<td>6.4</td>
<td>23.0</td>
</tr>
<tr>
<td>% of petitioners within military or civilian category</td>
<td>29.8</td>
<td>70.2</td>
<td>13.9</td>
<td>86.1</td>
</tr>
<tr>
<td>% of total petitioners</td>
<td>3.6</td>
<td>8.6</td>
<td>12.2</td>
<td>75.6</td>
</tr>
</tbody>
</table>

Children's exposure to abuse of a parent by a parent is as damaging to them as being abused themselves. “Children who are exposed to the abuse of their mother often have trouble paying attention in school, get along poorly with their peers, or act out aggressively. In fact, they have been found to exhibit virtually every symptom that appears in children who are being abused directly. The abuser attributes all of these effects to the mother's poor parenting or to inherent weaknesses in the children.” (Bancroft, 2002, p. 243)

Petitioners's statements about the harm to their children and their fears for their children follow.
Military-related female petitioners:

DA0575: She fears that Respondent “will take my children without taking proper care of them.” Petitioner was physically injured and the children are witnesses to her abuse.

DA0154: “He has called my son names like sissy. He told my son, "Your mom is a whore."” Petitioner alleged physically violent acts against her by Respondent but did not volunteer whether she was injured. The child is both a witness and a target of respondent’s abusive words.

DA0459: Respondent has “sudden fits of anger, controls money and car, takes car keys so I have to call someone to pick up the kids and me, he doesn’t want us to live together anymore. He was arrested for physical abuse . . . and convicted. Currently on probation. Last night my kids and I couldn’t go home for fear of what would happen.” Petitioner was physically injured by Respondent, the children are witnesses, if not directly abused.

Civilian female petitioners:

DA0039: “I filed a police report in Vegas on behalf of my son because there was visible injury [to the child].” The children were present when Respondent was physically violent to Petitioner. Petitioner volunteered no information about injuries to herself.

DA0042: Petitioner filed for restraining order because Respondent was found “touching daughter’s breast and genitals while she was sleeping.” Petitioner offered no information about physical violence towards herself and was afraid that Respondent would molest her daughter again.

DA0049: “Threat to kill [Petitioner] and [oldest child]. ‘I hate all of you. I should get a fucking gun and shoot all you bitches.’” Respondent also destroyed furniture in the child’s room. Petitioner volunteered no information about physical injuries to herself from Respondent’s physically violent acts towards her. Respondent was threatening to get custody of the child (an example of using the child to control the petitioner).

DA0059: “Calls daughter stupid bitch, fat cow, pig, and asshole.” Petitioner was physically injured by Respondent, who strangled her.
DA0107: Petitioner wrote in the form that the check marks for Respondent’s physically violent acts towards her in the boxes “hurt with object” and “kick/bite” also applied to her daughter, whom Respondent has also threatened to harm. Respondent has physically injured the petitioner.

DA0109: Respondent has “Threatened to ‘lick’ children, yells and swears at children.” He broke the children’s toys and has abused their mother in their presence. Petitioner alleges physical violence but does not volunteer information about injuries.

DA0119: Respondent “Relays messages to me through our daughter, stressing the child so she wets the bed and vomits after and during visits with her father.” Petitioner is afraid for the child’s emotional well-being. Though she alleges Respondent has been physically violent, she does not volunteer information about injuries to herself.

DA0140: “He said he wanted to kill me and my oldest daughter . . . I’m scared of him and he has hit me and my daughter many times throughout the relationship.” Petitioner and her daughter have been physically injured by Respondent.

DA0168: “I couldn’t go to work because I was afraid to leave my kids alone with him. I had to borrow a lot of items daily to survive at all. He’d say if anything happens to him I’d lose my kids . . . I’m afraid my oldest will fight with him. He’s setting me up to lose my kids.” Petitioner has been physically injured by Respondent.

DA0205: “He’s made the kids call me and make it into a 3-party argument. He’s abused me for nine years. My daughter has called CPS on him.” Petitioner has been physically injured by Respondent.

DA0214: Respondent “Use[s] drugs in front of me and daughter (ice) . . .” Respondent is physically violent, but petitioner does not volunteer information about injuries.

DA0224: “Alcohol abuse during entire marriage (9 years). Yells and rages during early morning (intoxicated), waking the children. Calls my job 5 to 10 times a day. Leaves messages on voice mail, yelling. He drives while intoxicated, with the children in the car.” Petitioner volunteers no information about injuries from Respondent’s physical violence.
DA0228: “He threatened to throw my baby off the balcony.” He also threatens to take the children away or to kill them. Petitioner has been physically injured by Respondent.

DA0257: “My son saw him grab and shove me.” Petitioner volunteered no information about injuries; Respondent tied her up with duct tape.

DA0258: “He punched me in the mouth and choked me and pulled me to the ground by my hair and kicked the back of my neck. My son was watching.” Petitioner was physically injured by Respondent.

DA0297: “He tells our kids, ‘Mommy don’t care about you.’” Respondent has physically injured Petitioner.

DA0317: “Constantly screaming profanities at me and in front of the kids.” Petitioner was afraid that Respondent’s escalating violence would harm the children physically and emotionally. She has been physically injured by Respondent.

DA0405: Respondent “Threw my and my daughter’s possessions on the lawn in rain storm . . . He punched my arms, hips, head. Spit on me in front of daughter. Tried to hurt me at school ground in front of child. Kicked us out of our house.” Petitioner has been physically injured by Respondent.

DA0426: Respondent “Tells daughter I’m not her mother and he’s not her father.” Petitioner does not volunteer information about whether Respondent’s physical violence towards her was injurious, merely says she’s afraid of him.

DA0431: Respondent “Terrorizes me in front of kids. Tells children I’m the reason we’re not together. Tells daughter lies.” Petitioner asked for custody of the children in the divorce and is now seeking an order for protection from Respondent. Respondent is physically violent, information about injuries to Petitioner is not volunteered.

DA0437: “He chased me in his car. I hid with children for four days.” Petitioner was afraid Respondent would harm the children. She did not allege physically violent acts towards herself, other than being chased down by Respondent in his car. She does state that he had harmed “another girlfriend” and was threatening to kill Petitioner.
DA0447: Respondent raped Petitioner in the presence of her three-year old daughter.

DA0451: Respondent said, “everything bad you think he would say to me and also to the kids. He would curse and abuse the kids too. Petitioner was afraid Respondent would hurt the children; she has been physically injured by Respondent.

DA0469: Respondent “He emotionally crushed me and my children.” Petitioner has been physically injured by Respondent.

DA0488: Respondent calls Petitioner and the children names and “mistreats us when he’s coming down” from use of illicit drugs. Petitioner has been physically injured by Respondent.

DA0498: Respondent abuses her in front of their son. He “tell[s] son if he told anyone he saw Mom being hit someone would take him away.” Petitioner has been physically injured by Respondent.

DA0506: Respondent “Tells kids on the phone that I’m a bad mother.” Petitioner has been physically injured by Respondent.

DA0508: “He slapped and pushed son many times.” Petitioner has been physically injured by Respondent. She was afraid the child would be hurt and Respondent had threatened to kill the child if she didn’t come when called.

DA0522: Respondent engages in “Threats, continuous harassment, manipulates son into lying, creating hostility between my children, discredits me as a mother, compulsively lies about me, bribes my son, puts my son through extreme psychological abuse, creating total chaos in my household. Referred [me] to CPS twice on allegations concerning me as a mother. Takes my son to a sexual therapist and has him say older two siblings are sexually abusing him in attempt to get custody. Threatened if he couldn't have my son nobody would. Said this is his blood and he would spread it all over.” Respondent has been physically violent towards Petitioner; she volunteered no information about whether she had been injured.

DA0541: Respondent “abuses me in front of daughters.” He has been physically violent towards Petitioner, but she does not allege he has physically injured her.
DA0544: Respondent “sexually harasses my daughter.” He has been physically violent towards Petitioner, but she does not allege he has physically injured her. Rather, she is afraid he will hurt her or the children again.

DA0572: “Physical harm to myself, swearing, can't have contact with my family. Comes to my job and stalks me. Drug and alcohol abuse. Controlling. This was the cause for me and my kids to move onto another island and seek counseling for ourselves.” Petitioner was afraid Respondent would call CPS to try to take the children away from her (most likely, he has done this before). Petitioner has been physically injured by Respondent.

DA0618: Respondent “Continuously drinks in the presence of my sons at parties and functions where I am concerned about my sons coming home safely and their well being.” Respondent has been physically violent towards Petitioner, but she does not volunteer information about injuries.

DA0640: Respondent yells at her and her son. He is physically violent towards her but she does not volunteer information about injuries.

Few male petitioners claimed that a female respondent was harming her children. Even fewer claim that she has also physically injured the petitioner and is physically or emotionally harming the children. These male petitioners are almost all active-duty military members.

Military-related Male Petitioner:

DA0540: “I think she will have someone harm me and ruin my life. She drinks heavily around the kids, having them serve her with alcohol and calling it her ‘medicine.’” Petitioner has been physically injured by Respondent (scratches). This is the only male petitioner claiming that he has been physically harmed by a female petitioner and the children are being harmed by their mother – he is the children’s stepfather.

DA0198: “She has physically attacked and threatened our children while extremely intoxicated,” and “she will cause harm if the court awards custody to me.” Petitioner alleges that Respondent has been physically violent towards him but says nothing about being injured.
DA0364: "She left daughter in car seat outside McDonald's. Called a 
friend and told her to come get the child (6:30 a.m.): When friend arrived 
there, she was gone. She's a former CPS client -- state took away her son 
and gave custody to the foster mom. I'm filing for divorce and will ask for 
full custody. I will not file CPS report." One wonders why the Petitioner 
will not file a report with CPS if the child was endangered by Respondent. 
Petitioner alleges that Respondent was physically violent towards him but 
says nothing about injuries.

Civilian Male Petitioner:

DA0151: "In the past, she has physically hit me and our son," and now she 
is alleged to be neglecting the children in favor of gambling and sleep. 
Petitioner says Respondent has been physically violent towards him, but 
does not say she has injured him. He is concerned she will take the 
children to the mainland.

Using Children to Control Petitioner

"Children are a tempting weapon for an abuser to use against the 
mother. Nothing inflicts more pain on a caring parent, male or 
female, than hurting one of his or her children or causing damage 
to the parent-child relationship. Many abusers sense that they can 
gain more power by using the children against their partners than 
by any method other than the most overtly terrorizing assaults or 
threats. To their destructive mind-set, the children are just too 
tempting a tool of abuse to pass up." (Bancroft, 2001, p. 240)

Psychological abuse tactics include the use of children to control and circumscribe 
petitioner's choices, to punish attempts to pull away from the abuser. Threats to have the 
children taken away from the victim -- whether by the state (calls to Child Protective 
Services (CPS) alleging child abuse or neglect) or by the abuser (threats and actions taken 
to remove the child from the victim's home, such as hiding the child, giving the child to a 
relative to care for, attempts to have custody of the child awarded to the abuser by the 
courts) -- are common and effective in paralyzing many women. Once a victim leaves the
relationship, court orders for custody and visitation may be used to harass and control her. Abusers use visitation exchanges as opportunities to continue their physical abuse of the victim, to harass and threaten her, to have others harass and threaten her. If an abuser is given joint physical or legal custody of the children - a situation that presumes the parents will cooperate for the children’s best interests – every decision becomes a new lever against the victim, another opportunity to continue to control, disrespect, humiliate, and frustrate her. Abusers ask or command children to spy on and report on the other parent, and to relay messages to the other parent. All of this makes the children witnesses to the abuse, as well as targets of abuse.

<table>
<thead>
<tr>
<th>Table 79: Frequencies: Psychological Violence with Physical Violence and Physical Injury to Petitioner – Using Children, by Military Status and Petitioner Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military-related Male (MM)</td>
</tr>
<tr>
<td>n=1</td>
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<tr>
<td>None</td>
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<tr>
<td>Children witness</td>
</tr>
<tr>
<td>Get custody</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
### Table 80: Frequencies: Psychological Violence with Physical Violence, No Physical Injury to Petitioner – Using Children, by Military Status and Petitioner Gender

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=1</td>
<td>%</td>
<td>n=9</td>
<td>%</td>
</tr>
<tr>
<td>Take children</td>
<td>100.0</td>
<td>Take children</td>
<td>33.3</td>
</tr>
<tr>
<td>Children witness</td>
<td>22.2</td>
<td>Call CPS</td>
<td>9.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 81: Frequencies: Psychological Violence without Physical Violence – Using Children, by Military Status and Petitioner Gender

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=3</td>
<td>%</td>
<td>n=2</td>
<td>%</td>
</tr>
<tr>
<td>Withhold Children</td>
<td>33.3</td>
<td>Call CPS</td>
<td>50.0</td>
</tr>
<tr>
<td>Use visitation to harass</td>
<td>33.3</td>
<td>Take Children</td>
<td>50.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

260
**Economic Abuse**

“Batterers may degrade women by keeping them financially dependent. Batterers may make their partners account for any money spent. They may keep women from working so as to keep them economically dependent. The batterer may control all the couple’s assets by placing homes, cars and bank accounts in his name so that she has little immediate access to any resources. A batterer may “allow” his partner to work and then demand that she turn over all her earnings to him. By keeping their partners financially dependent (childlike) batterers maintain their control and make it difficult for their victims to secure the resources needed to escape.” (Eigenberg, 2001, p. 61)

Economic abuse reported by petitioners in the study population included respondents stealing their money and property, controlling money and property, interfering with the petitioner’s ability to get or keep a job, wasting the family’s resources (i.e., by selling off possessions to support gambling or drug habits, by failing to pay mortgages and other debts), taking important documents (such as passports, birth certificates, marriage licences, drivers’ licenses, legal papers), taking ATM and credit cards, avoiding child support obligations, and living on the petitioner’s resources (mooching). As with other categories of psychological/emotional abuse, economic abuse and control are closely tied reported physical violence, i.e., there is more reported when injurious physical violence is also reported. This category is quite variable across military status and gender, as the following frequency tables show.
<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=0 Percentage</td>
<td>n=9 Percentage</td>
<td>n=7 Percentage</td>
<td>n=43 Percentage</td>
</tr>
<tr>
<td>None</td>
<td>0</td>
<td>Take Documents</td>
<td>44.4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Steal</td>
<td>42.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Interfere Job</td>
<td>42.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Control Money</td>
<td>33.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waste Resources</td>
<td>28.6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Avoid Support Obligations</td>
<td>11.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Take documents</td>
<td>9.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prevent Work</td>
<td>11.1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Take ATM Card</td>
<td>4.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mooch</td>
<td>4.7</td>
</tr>
<tr>
<td>Military-related Male</td>
<td>Military-related Female</td>
<td>Civilian Male</td>
<td>Civilian Female</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------------------</td>
<td>---------------</td>
<td>-----------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Control Money</td>
<td>Control Money</td>
<td>Interfere Job</td>
<td>Control money</td>
</tr>
<tr>
<td>50.0</td>
<td>60.0</td>
<td>33.3</td>
<td>26.0</td>
</tr>
<tr>
<td>Waste Resources</td>
<td>Waste Resources</td>
<td>Interfere Job</td>
<td>Control money</td>
</tr>
<tr>
<td>50.0</td>
<td>20.0</td>
<td>33.3</td>
<td>22.1</td>
</tr>
<tr>
<td>Interfere Job</td>
<td>Take ATM Card</td>
<td>Control Money</td>
<td>Control money</td>
</tr>
<tr>
<td>50.0</td>
<td>20.0</td>
<td>26.7</td>
<td>16.9</td>
</tr>
<tr>
<td>Mooch</td>
<td>Control Property</td>
<td>Interfere Job</td>
<td>Mooch</td>
</tr>
<tr>
<td>20.0</td>
<td>13.3</td>
<td>13.3</td>
<td>14.3</td>
</tr>
<tr>
<td>Interfere Job</td>
<td>Withhold Information</td>
<td>Take Documents</td>
<td>Avoid support obligations</td>
</tr>
<tr>
<td>20.0</td>
<td>13.3</td>
<td>6.7</td>
<td>7.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Take documents</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waste Resources</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prevent Work</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Withhold Information</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Take ATM Card</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 84: Frequencies: Psychological Violence without Physical Violence – Economic Control, by Military Status and Petitioner Gender

<table>
<thead>
<tr>
<th>Military-related Male (MM)</th>
<th>Military-related Female (MF)</th>
<th>Civilian Male (CM)</th>
<th>Civilian Female (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=3</td>
<td>n=2</td>
<td>n=4</td>
<td>n=11</td>
</tr>
<tr>
<td>Interfere Job</td>
<td>Interfere Job</td>
<td>Steal</td>
<td>Avoid support obligations</td>
</tr>
<tr>
<td>33.3%</td>
<td>100.0%</td>
<td>50.0%</td>
<td>45.5%</td>
</tr>
<tr>
<td>Waste Resources</td>
<td>Control money</td>
<td>Waste Resources</td>
<td>Interfere Job</td>
</tr>
<tr>
<td>16.7%</td>
<td>50.0%</td>
<td>25.0%</td>
<td>27.3%</td>
</tr>
<tr>
<td>Take documents</td>
<td>Interfere Job</td>
<td>Control Property</td>
<td></td>
</tr>
<tr>
<td>50.0%</td>
<td>25.0%</td>
<td>18.2%</td>
<td></td>
</tr>
<tr>
<td>Take ATM Card</td>
<td>Control Money</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steal</td>
<td>Take ATM Card</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50.0%</td>
<td>9.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prevent Work</td>
<td>Steal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avoid Support Obligations</td>
<td>Mooch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Resources</td>
<td></td>
<td></td>
<td>9.1%</td>
</tr>
</tbody>
</table>

**Related Civil and Criminal Cases**

"Research on men named as defendants in restraining orders offers evidence that as a group these men have histories of being violent and of being charged with both violent and nonviolent crimes. [A] recent study of 644 restraining orders at Quincy District Court found that 78 percent of the men named as defendants had a previous record of criminal complaints and 43 percent of the men had records of violent crimes against persons. The average number of prior criminal complaints was 13. A statewide study done by the Commissioner of Probation found that nearly 80 percent of the first 8,500 men identified [as Respondents] in restraining orders had prior criminal records.

"There are two important implications of these findings. First, a large number of these men have what Albert Cardarelli calls a “proficiency” at being violent. In comparison to the women who are or were their wives or partners, violence is a well-rehearsed tactic of control [for these men], rehearsed both physically and in terms of the emotional
preparation for acting violently. [Second,] if a man has been arrested for assault and battery on another man, his partner likely knows this. This colors the negotiations between them, whether or not they live together. A threat by this man that he will kill her has credibility. While the incompleteness of these court documents must be kept in mind, based on women's testimony and other research on restraining orders in Massachusetts there appears to be ample reason for women's fear of these men.” (Ptackek, 1999, p. 89)

“In tracking police reports from the date the TRO petitions were filed through December 31, 1998, it was found that 50% of the Family Court defendants and 25% of the District Court defendants were suspects in almost 800 police reports for various types of crimes involving the plaintiffs as victims or complainants. With regard to arrests, 50% of the Family Court defendants and 38% of the District Court defendants were arrested for alleged offenses involving any person(s) as a victim. Of the 378 total (i.e., first and subsequent) violations reported during the study period, 54% had been pursued for prosecution via arrest or penal summons, and 37% had resulted in convictions, by December 31, 1998. Fifty-five percent (55%) of all reported violations by Family Court defendants and 52% of all reported violations by District Court defendants were pursued for prosecution.” (Ross and Kanuha et al., 1999, p.2)

In this population, 31.4 percent of the partners in the current relationship (i.e., the one that brought them to court for a temporary restraining order) had only civil cases on file in addition to the current restraining order case and no criminal cases. Dyads represented in the study population by only the current restraining order case (i.e., there were no other civil and no criminal cases on file for either person) were only 17.4 percent of the study population. The overwhelming majority of the dyads in the study population had multiple civil and criminal cases on record involving one or both persons, most of the civil cases involving both the petitioner and the respondent of the current TRO case in a previous or subsequent TRO case against the same partner, most of the criminal cases involving the respondent as defendant and the petitioner as complaining witness.
Multiple filings for temporary restraining orders

Multiple TRO petitions were filed by one or both of the dyad in 33.3 percent of the study population; in 22.7 percent of these, each partner had filed one or more petitions against the other. This is summarized in the following table.

<table>
<thead>
<tr>
<th>Gender</th>
<th>Position in the Current TRO</th>
<th>n</th>
<th>No.</th>
<th>% by Position and Gender</th>
<th>% of Multiple TRO group (n=128)</th>
<th>Average filed per person</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>Petitioner</td>
<td>322</td>
<td>85</td>
<td>26.4</td>
<td>66.4</td>
<td>2.5</td>
<td>1 - 5</td>
</tr>
<tr>
<td>Female</td>
<td>Respondent</td>
<td>62</td>
<td>11</td>
<td>17.7</td>
<td>8.6</td>
<td>1.1</td>
<td>1 - 2</td>
</tr>
<tr>
<td>Male</td>
<td>Petitioner</td>
<td>63</td>
<td>14</td>
<td>22.2</td>
<td>10.9</td>
<td>1.7</td>
<td>1 - 3</td>
</tr>
<tr>
<td>Male</td>
<td>Respondent</td>
<td>323</td>
<td>18</td>
<td>5.6</td>
<td>14.1</td>
<td>1.3</td>
<td>1 - 4</td>
</tr>
</tbody>
</table>

The most usual case when there are multiple restraining order cases involving the same two people, then, is a female petitioner who has filed for protection two or three times from the same male respondent, who has also filed a petition for protection against her at least once. As a group, women (either as petitioners or as respondents in the current TRO case) had previously filed an average of 2.3 petitions, and men (either as petitioners or as respondents in the current TRO case) had filed an average of 1.3 petitions.

A very few petitioners and respondents had multiple criminal cases on the record, but had never been convicted (5.2%). In nearly half of the study population dyads (42.1%), at least one of the parties (usually male) had previous criminal convictions at the time the current petition for a temporary restraining order was filed; in 8.0 percent of these dyads both the petitioner and the respondent had been convicted.
Criminal convictions at the time the current petition for a TRO was filed

Table 86: Criminal Convictions on Record When the Current Petition for a Temporary Restraining Order Was Filed (42.1% of study population)

<table>
<thead>
<tr>
<th>Gender</th>
<th>Defendants by Position in Current TRO</th>
<th>n</th>
<th>No.</th>
<th>% by Position and Gender</th>
<th>% of group (n=162)</th>
<th>Average filed per person</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>Petitioner</td>
<td>322</td>
<td>23</td>
<td>7.1</td>
<td>14.2</td>
<td>1.5</td>
<td>1-5</td>
</tr>
<tr>
<td>Female</td>
<td>Respondent</td>
<td>62</td>
<td>7</td>
<td>11.3</td>
<td>4.3</td>
<td>1.3</td>
<td>1-3</td>
</tr>
<tr>
<td>Male</td>
<td>Petitioner</td>
<td>63</td>
<td>17</td>
<td>27.0</td>
<td>10.5</td>
<td>1.7</td>
<td>1-5</td>
</tr>
<tr>
<td>Male</td>
<td>Respondent</td>
<td>323</td>
<td>122</td>
<td>37.8</td>
<td>75.3</td>
<td>2.3</td>
<td>1-10</td>
</tr>
</tbody>
</table>

As a group, women (as either petitioners or respondents who had been defendants prior to the filing of the current petition) had an average of 1.5 criminal convictions and represented 7.8 percent of the study population. Men (as either petitioners or respondents who had been defendants prior to the filing of the current petition) had an average of 2.25 criminal convictions and represented 34.5 percent of the study population. Female respondents were least likely to have any criminal convictions; men, as either petitioners or respondents, were most likely to have criminal convictions.

Concurrent filing of petitions for TRO and criminal cases

Filing of a petition for a temporary restraining order within fifteen days of the State’s filing of a Family Court criminal case against either the petitioner or the respondent occurred in 15.6 percent of the study population (60 cases). Women are often advised to obtain a restraining order when criminal charges are being filed against their partners as a preventive measure against retaliatory violence for the prosecution of the partner’s violence in the relationship; this is the most common pattern in the study.
population. In only six of these cases, both partners had been in the position of defendant when the other filed a petition for a restraining order petition.

<table>
<thead>
<tr>
<th>Table 87: Concurrent Filing of DA and FC Cases Within 15 Days, Cases Involve Current Relationship, FC and DA Filed Against Same Person (15.6% of study population)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender of Defendant-Respondent</td>
</tr>
<tr>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Male</td>
</tr>
</tbody>
</table>

DA = Temporary Restraining Order case; FC = Family Court criminal case

The most usual case when a petition for a temporary restraining order is filed within fifteen days of a Family Court criminal case is a female petitioner filing against a male respondent. Women were defendants in concurrent criminal cases in 3.4 percent of the study population cases; most (76.9%) of these women were the respondent in the TRO case. Men were defendants in concurrent criminal cases in 12.3 percent of the study population cases; most of these men (91.5%) were respondents in the TRO case.

*Criminal convictions subsequent to the current TRO case*

In 16.4 percent of the study population cases, at least one partner of the dyad acquired one or more new criminal convictions after the temporary restraining order case was decided and orders issued. In only one case did both persons do so.
Table 88: **Convictions After the Current DA Heard** (16.4% of the study population)

<table>
<thead>
<tr>
<th>Gender of Defendant</th>
<th>Position in the Current TRO</th>
<th>n</th>
<th>No.</th>
<th>% by Position and Gender</th>
<th>% of Group (n=63)</th>
<th>Average filed per person</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>Petitioner</td>
<td>322</td>
<td>3</td>
<td>.9</td>
<td>4.8</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>Respondent</td>
<td>62</td>
<td>3</td>
<td>4.8</td>
<td>4.8</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>Petitioner</td>
<td>63</td>
<td>3</td>
<td>4.8</td>
<td>4.8</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>Respondent</td>
<td>323</td>
<td>54</td>
<td>16.7</td>
<td>85.7</td>
<td>1.6</td>
<td>1−5</td>
</tr>
</tbody>
</table>

Most of the these new convictions were for violating either the temporary restraining order or the order for protection. Women, as a group, who acquired new convictions in this circumstance were 1.5 percent of the study population; such men were 14.9 percent of the study population. Male respondents were overwhelmingly most likely to violate the court’s orders.

*Filing petitions for TRO to influence other cases*

It is often alleged that female petitioners file for temporary restraining orders in conjunction with a divorce case to influence the court’s decisions in such matters as custody of children and parents’ visitation rights. If this is true, the case in which a divorce case filing is quickly followed by a filing for a temporary restraining order, or a petition for a TRO is followed shortly by a complaint for divorce should be common. However, only 18.2 percent of cases followed either of these patterns. Where divorce complaints preceded petitions for TROs, 40.1 percent of such filings occurred within 30 days of one another – this was only 8.3 percent of the study population. The majority of petitions for TROs in these cases followed the filing of the divorce complaint by more
than a month. An alternative interpretation of these cases is that a divorce complaint followed shortly by a petition for a TRO probably means that there is separation violence occurring; the filing of a petition months or years after a divorce complaint probably indicates the persistence of violence and that efforts to control the partner who is leaving or has left the relationship continue. The filing of a petition for a TRO followed within fifteen days by the filing of a divorce complaint, which might be evidence that the TRO is being used to influence decisions in temporary orders in a divorce case, is present in only 9.9 percent of the study population. The great majority of these filings are by male petitioners against female respondents (79.0%).

<table>
<thead>
<tr>
<th>Table 89: Concurrent filing of Petitions for TRO and Complaints for Divorce (18.2% of the study population)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Female Petitioner</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Male Petitioner</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Either partner filed divorce after TRO:</td>
</tr>
<tr>
<td>Female Petitioner</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Female Respondent</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Male Respondent</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Cross-filing of petitions for TRO**

It is rare for petitions for a TRO to be cross-filed (i.e., both parties have filed petitions within 15 days of one another). Cross-filing is frowned upon by the Courts and
is discouraged at ASB; however, it still happens. Generally, such petitions are scheduled for the same OSC hearing. In theory, the second filed petition is retaliatory for the filing of the first petition; however, sometimes the first petition was filed as a control measure by the batterer and the second filed is the victim’s attempt at self-protection. Without careful scrutiny and detailed petition affidavits, it is difficult to separate one scenario from the other. Service of temporary restraining orders in these instances creates chaos in such matters as child custody and may set up unwarranted presumptions about what should be done with the children in the permanent order for protection (i.e., judges often prefer not to “disturb” child custody and visitation orders set up in temporary orders in hopes of protecting stability in the children’s lives). Cross-filing also sets up the situation in which both parties have restraining orders against the other (i.e., they are mutually enjoined), and increases the likelihood that the restraining order is used to control an intimate partner (or former intimate partner).

| Table 90: Cross-filed TRO Petitions, Current Relationship, Petitioners by Position in Current TRO |
|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| Female Petitioner filed first vs. Male Respondent | Male Respondent filed first vs. Female Petitioner | Male Petitioner filed first vs. Female Respondent | Female Respondent filed first vs. Male Petitioner |
| 4                                                | 6                                                | 1                                                | 1                                                |

*Multiple criminal convictions of either partner*

In many dyads, one of the partners had been the defendant in multiple Family Court (FC) criminal cases (17.1% of the study population, average of 2.0 cases per person). Women with multiple FC criminal cases were 1.6 percent of the study
population, with an average of 2.67 cases; men with such criminal cases were 15.7 percent of the study population, with an average of 3.25 cases.

<table>
<thead>
<tr>
<th>Table 91: Multiple FC Criminal Case Filed Against Person, Current Relationship (17.1% of study population)</th>
</tr>
</thead>
<tbody>
<tr>
<td>By gender and position in current TRO case</td>
</tr>
<tr>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Female petitioner</td>
</tr>
<tr>
<td>Female respondent</td>
</tr>
<tr>
<td>Male petitioner</td>
</tr>
<tr>
<td>Male respondent</td>
</tr>
</tbody>
</table>

*Involvement of either partner in past violent relationships*

Violence in past relationships was evident in 22.1 percent of the study population. Previous divorce cases, temporary restraining orders and orders for protection naming a different intimate partner, past criminal cases for abuse of a family or household member (AFHM) and violations of restraining orders in which the complaining witness is named provided evidence of previous relationships marred by domestic violence. Only 2.6 percent of the women in the study population fit this pattern; however, 19.6 percent of the men in the population do. Of the men, the great majority are respondents in the current TRO case. These numbers suggest that the men in these cases are most likely to continue their violent and controlling behavior in successive relationships as well as to be both petitioners and respondents in TRO cases against their intimate partners.
Table 92: Violent Past Relationships (22.1% of study population)

<table>
<thead>
<tr>
<th>Current TRO Position</th>
<th>n for Cat.</th>
<th>% of group with violent past relationships</th>
<th>% by position in current TRO case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female Petitioner</td>
<td>322</td>
<td>8.2, n=27</td>
<td>2.2, n=7</td>
</tr>
<tr>
<td>Female Respondent</td>
<td>62</td>
<td>3.2, n=2</td>
<td>4.8, n=3</td>
</tr>
<tr>
<td>Male Petitioner</td>
<td>63</td>
<td>10.6, n=7</td>
<td>14.3, n=9</td>
</tr>
<tr>
<td>Male Respondent</td>
<td>323</td>
<td>77.7, n=251</td>
<td>20.5, n=66</td>
</tr>
</tbody>
</table>

Cases filed after the current TRO (returning to Court)

The TRO case was not the last appearance at court for a substantial portion of the study population’s constituents – 26.2 percent of the entire population had filed or been filed against in one or more cases in the year following the current TRO. For the women in the population this percentage is 4.9 percent; for the men it is 21.4 percent. Twelve of the female petitioners returned to court (following table).

Table 93: Female Petitioners, n=322, Cases Filed After Current TRO (excluding cross-filed TRO within 15 days)

<table>
<thead>
<tr>
<th>Female Petitioners filed:</th>
<th>No.</th>
<th>% of FP</th>
<th>Female Petitioners as Defendant:</th>
<th>No.</th>
<th>% of FP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petition for TRO</td>
<td>5</td>
<td>1.6</td>
<td>FC Criminal</td>
<td>4</td>
<td>1.2</td>
</tr>
<tr>
<td>Complaint for Divorce</td>
<td>4</td>
<td>1.2</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Seven female respondents returned to court:

Table 94: Female Respondents, n=62, Cases Filed After Current TRO (excluding cross-filed TRO within 15 days)

<table>
<thead>
<tr>
<th>Female Respondents filed:</th>
<th>No.</th>
<th>% of FR</th>
<th>Female Respondents as Defendant:</th>
<th>No.</th>
<th>% of FR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petition for TRO</td>
<td>3</td>
<td>4.8</td>
<td>FC Criminal</td>
<td>1</td>
<td>1.6</td>
</tr>
<tr>
<td>Complaint for Divorce</td>
<td>4</td>
<td>6.4</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Eight male petitioners returned to court:

<table>
<thead>
<tr>
<th>Male Petitioners filed:</th>
<th>No.</th>
<th>% of MP</th>
<th>Male Petitioners as Defendant:</th>
<th>No.</th>
<th>% of MP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petition for TRO</td>
<td>5</td>
<td>7.9</td>
<td>FC Criminal</td>
<td>2</td>
<td>3.2</td>
</tr>
<tr>
<td>Complaint for Divorce</td>
<td>1</td>
<td>1.6</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Seventy-four male respondents returned to court:

<table>
<thead>
<tr>
<th>Male Respondents filed:</th>
<th>No.</th>
<th>% of MR</th>
<th>Male Respondents as Defendants:</th>
<th>No.</th>
<th>% of MR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petition for TRO</td>
<td>29</td>
<td>9.0</td>
<td>FC Criminal</td>
<td>42</td>
<td>13.0</td>
</tr>
<tr>
<td>Complaint for Divorce</td>
<td>22</td>
<td>6.8</td>
<td>PC Criminal</td>
<td>3</td>
<td>.9</td>
</tr>
</tbody>
</table>

*Criminal convictions of either partner before the current petition for TRO was filed*

Very many of the petitioners and respondents had criminal cases involving previous intimate partners as well as involvement in other criminal activity, nearly half of the study population (43.3%). In 12.9 percent of these dyads, both the petitioner and the respondent had such cases. By gender, 9.6 percent females had criminal cases before the current relationship as did 32.9 percent of males (i.e., the ratio is 1 female to 2.9 males).
Table 97: Criminal Cases from Before Current Relationship, by Position in Current TRO

<table>
<thead>
<tr>
<th></th>
<th>Female Petitioner n=322</th>
<th>Female Respondent n=62</th>
<th>Male Petitioner n=63</th>
<th>Male Respondent n=323</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>% of FP</td>
<td>No.</td>
<td>% of FR</td>
<td>No.</td>
</tr>
<tr>
<td>27</td>
<td>8.4</td>
<td>8</td>
<td>12.9</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>% of MP</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No.</td>
<td>% of MR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>114</td>
<td>35.3</td>
</tr>
</tbody>
</table>

**Criminal cases involving other persons**

Nearly a third of the dyads included a person whose criminal activities were not confined to the intimate partner relationship (27.8%). In 10.3 percent of these dyads, both partners had such cases. By gender, 5.9 percent of females and 22.7 percent of males had criminal cases involving persons other than intimate partners, family or household members.

Table 98: Criminal Cases Involving Non-Family or Household Members by Position in Current TRO

<table>
<thead>
<tr>
<th></th>
<th>Female Petitioner n=322</th>
<th>Female Respondent n=62</th>
<th>Male Petitioner n=63</th>
<th>Male Respondent n=323</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>% of FP</td>
<td>No.</td>
<td>% of FR</td>
<td>No.</td>
</tr>
<tr>
<td>20</td>
<td>6.2</td>
<td>3</td>
<td>4.8</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>% of MP</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No.</td>
<td>% of MR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>81</td>
<td>25.1</td>
</tr>
</tbody>
</table>

**Disposition of criminal charges against both petitioners and respondents as defendants**

Counting criminal charges lodged both before and after the current petition for a TRO was filed, 30 female petitioners had also been criminal defendants – between them they had collected 82 charges. One was military-related, 29 were civilian. The military-related female petitioner had two criminal charges; the 29 civilian petitioners had an average of two criminal charges each, with a range of 1 – 3 cases per defendant. Thirty-
four percent of criminal charges against female petitioners-defendants were dismissed or acquitted. Sixty percent resulted in a conviction.

<table>
<thead>
<tr>
<th>Result</th>
<th>Total Criminal Counts</th>
<th>MFP Counts</th>
<th>MFP: Crimes vs. Persons</th>
<th>CFP Counts</th>
<th>CFP: Crimes vs. Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilty</td>
<td>29</td>
<td>2</td>
<td>1</td>
<td>27</td>
<td>9</td>
</tr>
<tr>
<td>No Contest</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>Nolle Prosequi</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Acquitted</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Dismissed</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>15</td>
<td>13</td>
</tr>
<tr>
<td>Remand Dis. Ct.</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Pending</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>1</td>
</tr>
</tbody>
</table>

FP: female petitioner; MFP: military-related female petitioner; CFP: civilian female petitioner

In the following table are the final dispositions of those criminal charges lodged against civilian female petitioners that involved crimes against persons. The military-related female petitioner was charged with AFHM and found guilty (the other criminal charge was against property); her petition for a TRO alleged physically injurious violence against her by the respondent.
**Table 100: Disposition of Criminal Counts against Civilian Female Petitioners Charged with Crimes Against Persons**  
FP=322, CFP=290

<table>
<thead>
<tr>
<th>Petitioner charged with:</th>
<th>Acquit</th>
<th>Dismiss</th>
<th>Guilty</th>
<th>No Contest</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFHM</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Assault 3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Endanger Welfare of a Minor</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Harassment</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Violation of TRO</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Respondent has been physically violent but Petitioner does not claim to have been injured:**

<table>
<thead>
<tr>
<th>Petitioner charged with:</th>
<th>Acquit</th>
<th>Dismiss</th>
<th>Guilty</th>
<th>No Contest</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFHM</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Assault 2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Assault 3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Harassment</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Terroristic Threatening 1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Violation of Order for Protection</td>
<td>3</td>
<td>3</td>
<td>7</td>
<td>11</td>
<td>2</td>
</tr>
</tbody>
</table>

Sixty-seven percent of charges of AFHM against civilian female petitioners-defendants were dismissed or acquitted. Civilian female petitioners-defendants were more likely to plead no contest (29%) than to be found guilty (25%). Fifty-five percent of their charges against persons resulted in convictions. Thirty-five percent of their criminal charges against persons were dismissed or acquitted. The charge of AFHM against the military-related female petitioner-defendant resulted in conviction (100%).

Thirteen Female Respondents had also been criminal defendants and had collected 51 charges between them. One woman was military-related, 12 were civilians. Thirty-
three percent of these charges were dismissed or acquitted; 55 percent resulted in convictions.

<table>
<thead>
<tr>
<th>Result</th>
<th>Total Criminal Counts</th>
<th>MFR Counts</th>
<th>MFR Crimes vs. Persons</th>
<th>CFR Counts</th>
<th>CFR Crimes vs. Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilty</td>
<td>25</td>
<td>0</td>
<td>0</td>
<td>25</td>
<td>18</td>
</tr>
<tr>
<td>No Contest</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Nolle Prosequi</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Acquitted</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Dismissed</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Pending</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>3</td>
</tr>
</tbody>
</table>

FR: Female Respondent; MFR: Military-related Female Respondent; CFR: Civilian Female Respondent

The military-related female respondent was convicted of a nonviolent misdemeanor; the military male petitioner made no allegations in his petition for a TRO that she had been physically violent. Civilian female respondents had an average of four charges each, with a range of 1–18 per defendant. In 23 of these cases, the petitioner made allegations that the respondent's violence was physically injurious to petitioner; all 50 charges are associated with petitioner allegations that the respondent was physically violent. In the following table are the final dispositions of those criminal charges lodged against the civilian female respondents that involved crimes against persons.
Table 102: Disposition of Criminal Counts against Civilian Female Respondents
Charged with Crimes Against Persons
FR= 62; MFR=15; CFR= 47

<table>
<thead>
<tr>
<th>Respondent charged with:</th>
<th>Acquit</th>
<th>Dismiss</th>
<th>Guilty</th>
<th>No Contest</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFHM</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Assault 1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Harassment</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Terroristic Threatening 1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Violation of Order for Protection</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Violation of TRO</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
</tbody>
</table>

Petitioner claims physical violence but not injury:

| AFHM                     | 0      | 2       | 5      | 0          | 0       |
| Terroristic Threatening 2| 0      | 0       | 2      | 0          | 0       |

Most charges of AFHM against civilian female respondents-defendants resulted in convictions (66.7%). Fifteen percent of their criminal charges against persons were dismissed or acquitted; 65 percent resulted in convictions.

Twenty male petitioners were charged as criminal defendants. Five were military-related men, fifteen were civilian men; between them they had collected 53 charges. Sixty-four percent of these charges resulted in convictions; 34 percent were dismissed or acquitted.
Table 103: Disposition of Criminal Charges, Male Petitioners as Defendants
MP=63; MMP=14; CMP=47

<table>
<thead>
<tr>
<th>Result</th>
<th>Total Criminal Counts</th>
<th>MMP Counts</th>
<th>MMP Crimes vs. Persons</th>
<th>CMP Counts</th>
<th>CMP Crimes vs. Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilty</td>
<td>31</td>
<td>5</td>
<td>1</td>
<td>26</td>
<td>18</td>
</tr>
<tr>
<td>No Contest</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Nolle Prosequi</td>
<td>7</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Acquitted</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Dismissed</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Pending</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

MP: Male Petitioner; MMP: Military-related Male Petitioner; CMP: Civilian Male Petitioner

Five military male petitioners were charge with an average of 2 criminal acts each, range of 1 to 3 charges per defendant. All of these men claimed their female respondents had been physically violent; none of these men claimed to have been physically injured. Two of these men were charged with AFHM; one case was dismissed and one was found guilty. One man was charged with violation of an order for protection and found guilty. Three of these men were charged with violation of a TRO and all were found guilty. AFHM charges resulted in a conviction rate of 50 percent. Eighty-three percent of charges against military-related male petitioners-defendants resulted in conviction; 16.7 percent of the charges were dismissed.

Fifteen civilian male petitioners were charged with 25 criminal acts, for an average of 2.8 acts each, range of one to ten; 25 of these acts are associated with the male petitioner’s claim that the respondent had been physically violent. Only one civilian male petitioner claimed to have been physically injured by the respondent (this respondent was
male). In the following table are the final dispositions of those criminal charges lodged against civilian male petitioners that involved crimes against persons.

| Table 104: Disposition of Criminal Counts against Civilian Male Petitioners Charged with Crimes Against Persons |
| MP=63; MMP=14; CMP =47 |
| Respondent has physically injured Petitioner |
| Petitioner charged with: | Acquit | Dismiss | Guilty | No Contest | Pending |
| Violation of Order for Protection | 0 | 0 | 1 | 0 | 0 |

| Petitioner claims physical violence by respondent but not physical injury |
| AFHM | 2 | 2 | 4 | 0 | 0 |
| Harassment | 0 | 0 | 3 | 0 | 0 |
| Kidnapping | 1 | 0 | 0 | 0 | 0 |
| Terroristic Threatening 1 | 0 | 0 | 0 | 1 | 0 |
| Terroristic Threatening 2 | 0 | 0 | 1 | 0 | 0 |
| Unlawful Imprisonment 2 | 0 | 0 | 1 | 0 | 0 |
| Violation of Order for Protection | 0 | 0 | 1 | 0 | 2 |

Half of the charges of AFHM against civilian male petitioners-defendants were dismissed or acquitted. Twenty-six percent of their criminal charges against persons were dismissed or acquitted; 63 percent resulted in convictions.

One hundred fifty-nine male respondents were charged as criminal defendants; eleven of these men were military-related; 148 were civilians. Between them they had amassed 898 charges. Military-related male respondents had an average of two charges and a range of 1 – 5 per defendant. Civilian male respondents had an average of six charges and a range of 1 – 32 per defendant. Twenty-three percent of these charges were dismissed or acquitted; 70 percent resulted in convictions.
Table 105: Disposition of Criminal Charges, Male Respondents as Defendants
MR=323; MMR=32; CMR=312

<table>
<thead>
<tr>
<th>Result</th>
<th>Total Criminal Counts</th>
<th>MMR Counts</th>
<th>MMR Crimes vs. Persons</th>
<th>CMR Counts</th>
<th>CMR Crimes vs. Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilty</td>
<td>511</td>
<td>13</td>
<td>13</td>
<td>498</td>
<td>388</td>
</tr>
<tr>
<td>No Contest</td>
<td>118</td>
<td>2</td>
<td>2</td>
<td>116</td>
<td>49</td>
</tr>
<tr>
<td>Nolle Prosequi</td>
<td>90</td>
<td>4</td>
<td>1</td>
<td>86</td>
<td>55</td>
</tr>
<tr>
<td>Acquitted</td>
<td>35</td>
<td>0</td>
<td>0</td>
<td>35</td>
<td>25</td>
</tr>
<tr>
<td>Dismissed</td>
<td>81</td>
<td>2</td>
<td>2</td>
<td>79</td>
<td>68</td>
</tr>
<tr>
<td>Remand D. Ct.</td>
<td>32</td>
<td>0</td>
<td>0</td>
<td>32</td>
<td>5</td>
</tr>
<tr>
<td>Pending</td>
<td>31</td>
<td>4</td>
<td>3</td>
<td>27</td>
<td>19</td>
</tr>
</tbody>
</table>

* MR: Male Respondent; MMR: Military-related Male Respondent; CMR: Civilian Male Respondent

Ten female petitioners with military-related male respondents who were also criminal defendants alleged that they had been injured by the respondent’s violence. In the following table are the final dispositions of those criminal charges lodged against these respondents that involved crimes against persons.
Table 106: Disposition of Criminal Charges against Military Male Respondents, Crimes against Persons

MR=323; MMR=32; CMR =312

<table>
<thead>
<tr>
<th>Respondent charged with:</th>
<th>Acquit</th>
<th>Dismiss</th>
<th>Guilty</th>
<th>No Contest</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFHM</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Injury</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Terroristic Threatening 2</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Violation of Order for Protection</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
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<td>0</td>
<td>0</td>
<td>4</td>
<td>0</td>
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</table>

<table>
<thead>
<tr>
<th>Petitioner claims physical violence but not injury</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFHM</td>
</tr>
</tbody>
</table>

Twenty-five percent of AFHM charges against military-related male respondents—defendants were dismissed; 75 percent resulted in convictions. Only 7 percent of criminal charges against these men were dismissed; 79 percent resulted in convictions.

In the following table are the final dispositions of those criminal charges lodged against civilian male respondents that involved crimes against persons. Over half of the 812 charges collected by these men – 451 – are associated with allegations by (mostly female) petitioners that they had been physically injured by the respondent.
Table 107: Disposition of Criminal Counts Against Civilian Male Respondents
MR=323; CMR=312

Respondent has physically injured Petitioner

<table>
<thead>
<tr>
<th>Respondent charged with:</th>
<th>Acquit</th>
<th>Dismiss</th>
<th>Guilty</th>
<th>No Contest</th>
<th>Pending</th>
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<tr>
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<td>55</td>
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<tr>
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<tr>
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<td>1</td>
<td>2</td>
<td>1</td>
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<tr>
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<td>3</td>
<td>0</td>
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<tr>
<td>Harassment</td>
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<td>2</td>
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<td>0</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Murder 2</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Murder 1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sexual Assault 3</td>
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<td>0</td>
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<tr>
<td>Sexual Assault 4</td>
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<td>1</td>
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<td>0</td>
</tr>
<tr>
<td>Terroristic Threatening 1</td>
<td>0</td>
<td>3</td>
<td>11</td>
<td>1</td>
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<tr>
<td>Terroristic Threatening 2</td>
<td>0</td>
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<td>3</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Violation of Order for Protection</td>
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<td>76</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
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<td>0</td>
<td>2</td>
<td>19</td>
<td>1</td>
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</tbody>
</table>

Petitioner claims physical violence but not injury:

| Violation of TRO                 | 0      | 3       | 39     | 1          | 0       |

Forty-two percent of AFHM charges made against civilian male respondents—defendants were dismissed; 55 percent resulted in convictions. Twenty-six percent of their charges against persons are dismissed or acquitted; 70 percent resulted in conviction.

For male petitioners, being convicted of AFHM was literally a coin toss. Dismissal rates were highest for civilian female petitioners (no cases were brought against military-related female petitioners) while conviction rates were highest for military-related male respondents. Civilian male respondents were only slightly more
likely to be convicted of AFHM than to have the charge dismissed; military-related male respondents were much more likely to be convicted (this is a small number of men, though, so their actual rate may be closer to that of civilian male respondents). All petitioners and respondents, male and female, civilian and military-related were more likely to be convicted on charges against persons than to have the case dismissed or to be acquitted.

| Table 108: Comparison of Conviction Rates for Crimes Against Persons by Military Status, Gender and Position in Current TRO Case |
|--------------------------------------------------|-----------------|------------------|-----------------|-----------------|
|                                                  | AFHM Charges    | Crimes Against Other Persons |
|                                                  | Dismiss or acquit | Conviction | Dismiss or acquit | Conviction |
| Civilian Female Petitioner                        | 67%             | 33%         | 35%             | 55%         |
| Military Female Petitioner                        | 0              | 100%        | 0               | 100%        |
| Civilian Female Respondent                        | 33%             | 67%         | 15%             | 65%         |
| Military Female Respondent                        | 0              | 0           | 0               | 0           |
| Military Male Petitioner                          | 50%             | 50%         | 17%             | 83%         |
| Civilian Male Petitioner                          | 50%             | 50%         | 26%             | 63%         |
| Military Male Respondent                          | 25%             | 75%         | 7%              | 79%         |
| Civilian Male Respondent                          | 42%             | 55%         | 26%             | 70%         |
CONCLUSION

The field of domestic violence research is still lacking consensus about such basics as definitions and what and how to measure. The improvement of the research – and development of consensus – within the domestic violence community requires use of both quantitative and qualitative methods, chosen and appropriately adapted in accord with the need to describe, understand and explain what is going on in intimate relationships between women and men, how these relationships are structured and understood in society, the way that power is distributed and used in these relationships, and the intersection of intimate partner relationships with other social structures.

Public policy improvements at the intersection of intimate partner relationships and the legal system have been steadily made as a result of womens’ movement activism; however, these improvements are troubled by unintended consequences that look more like failure than success at moving the issue firmly into the realm of public issues. The emphasis on the preservation of the family and of parenting access puts the Family Court’s traditional goals at cross-purposes with bringing intimate partner violence out of the private realm of the family, and with the goals of ensuring safety for women and their children and of ending an abuser’s ability to control his partner. The assumptions enshrined in family law mean that abusers’ controlling and criminal acts within the family context are still not regarded as equivalent to the same acts performed against persons outside the family.

Further assumptions and goals are woven into the military’s responses to domestic violence and hinder the accomplishment of the goals of victim safety and offender
accountability. The stated assumptions underlying the military’s Family Advocacy Program (FAP) are not wholly objectionable, but they tend to hold victims at least somewhat responsible for their victimization. For example, the emphasis on rehabilitating the family (as the civilian family law context) requires that victims work with their abusers’ rehabilitation program, and, rather than attending to their own safety and re-establishing their own autonomy over their lives (which may require leaving the abuser), tend to the needs of the abuser. In this scheme, all family members have a part in the dysfunction of the family and thus a responsibility to work for its “rehabilitation,” a viewpoint that overlooks power issues and holds victims responsible for the abuser’s behavior. The idea that offenders must be held accountable agrees with feminist theory, but the emphasis here is actually on their failure to uphold the military mission and their disruption of unit cohesion – thus the focus is on the offender’s improvement so that the mission goes on and the value of training and skills is not lost. On the whole, the FAP is an amalgam of concern for the efficient accomplishment of military mission, retention of military members, and family systems theory leavened with feminist theory.

Roughly two-thirds of the Family Court’s restraining order docket consists of intimate partners, and the great majority of petitioners are female (82%). The typical TRO case involves a female petitioner and a male respondent in an intimate partner – probably married – relationship. There was no relationship category that represented a majority of the dyads; however, the categories with the largest percentages were “married” and “children in common,” which together comprise more than half of the study population. Dating relationships were the third largest category. Over three
quarters of Honolulu's households consist of married partners, so married partners are severely under-represented in the study population. Military partners in the study population are nearly all married, the remainder were in dating relationships. The study population matched Honolulu's population in proportion by sex, and, as expected, clustered by age between 18 and 44, the age range of nearly all military members and their spouses, and also the age range in which the majority of incidents of intimate partner violence occur.

Two-thirds of female petitioners have children; about one-third of male petitioners do. The great majority of petitions for temporary restraining orders, then, involve the safety and security of one or more minor children. This finding argues that the Family Court must be proactive in its temporary orders concerning custody, visitation, and support of minor children – as well as in recognizing and responding to the patterned behaviors of battering parents. Most of the children in the study population had been witnesses to the violence and control of the battering parent and so were victims whether or not they had also been battered.

Based on this analysis of the population of petitions for TROs, the claims of domestic violence advocates that military members are twice to five times more violent in their intimate relationships, and that military training makes them so, are too broadly drawn. Men and women who join the military come there with images and expectations that were formed by the larger society – where intimate partner violence is already a public issue, where young men are prepared to be aggressive, to define their masculinity in opposition to femininity and to define that as weakness, passivity, and inferiority, to
relate to women in terms of "masculine virility" and potency, to value the image of the warrior and desire to be considered one. Military members also return to that society. If military-related intimate partnerships were indeed plagued with so much more violence than civilian relationships, this would be evident in their overrepresentation in the cases at First Circuit Court; however, this study found that military-related intimate partner relationships were present in the Court’s case load in proportion to the presence of military-related persons in Honolulu County’s resident population. This finding does not support the idea that military intimate-partner relationships are more violent than civilian intimate-partner relationships. Rather, it supports the idea that such violence is found in the general society from which the military draws its members, and thus is a social ill affecting all of the society.

There are, of course, some limitations to this conclusion:

1) Though military members and their families are subject to Hawai‘i family and domestic violence laws, there are probably some who do not seek civil protection orders for reasons related to military status. There is no reason to assume that members of military-related dyads do not seek protection orders any more often than members of civilian dyads do not seek orders. A survey of a representative sample of both the military and civilian populations on O‘ahu would undoubtedly find many more civilian and military-related dyads experiencing IPV, and may provide more support for the thesis that military dyads are more violent; however, given the unremarkability in the distributions in the data from the court records on this score, finding that the military-related dyads are twice as violent (let alone five times as violent) seems doubtful.
2) There is no reliable way to measure severity to the allegations in the petitions. It may be that military-related dyads that are violent suffer in general from more severe physical and psychological violence than is present in civilian dyads. However, previous research found only slightly elevated levels of severe physical violence when the demographic and socioeconomic data for civilian and military-related dyads were matched.

In addition, comparisons in this thesis showed that military status of petitioners and respondents was unrelated to their acts, claims, and criminal cases, and that gender – of both petitioners and respondents – was related, often strongly, to their acts, claims, and criminal cases.

Nearly all petitions for temporary restraining orders are granted, and a majority of these become Orders for Protection – most by agreement. Male petitioners are as likely to have their petitions granted as female petitioners. Agreement to a restraining order forestalls a judge finding that a respondent has been violent. Agreement to the restraining order presumably shows that the respondent is a reasonable person; a finding that a respondent has been violent in an intimate relationship can be used to show that he (or, less often, she) should be granted neither physical or legal custody of minor children nor unsupervised visitation with them. The finding can be used in criminal court proceedings to support the prosecution’s argument that a defendant did indeed commit the criminal acts of which he (or she) has been accused. Respondents who agree to restraining orders may be able to obtain more access to victims and their children than those who are “found” to have been violent. Less than 10 percent of Orders for Protection contained
findings against respondents (excluding those that contain such findings made by
default); given the serious and criminal nature of the allegations in the petitions and the
criminal records of a sizable proportion of respondents, policy changes that require
findings when the petitioner has met the burden of proof should be explored. Although
the literature regarding the deterrent effects of court orders is contested, there is
agreement that a community response that holds offenders accountable at every turn does
empower victims, improve their safety, and reduce recidivism. One part of the
community response is a carefully detailed and enforced civil protection order.

Judges explain neither their denials of petitions nor their lack of findings. While
this practice may be owing to their already daunting workload, it denies petitioners
information about why their petitions are denied and about whether judges do or do not
believe petitioners’ allegations. Requiring judges to make findings about violence should
be considered as a public policy initiative; this may require a great deal of change in the
family law code.

Only a fifth of the petitions making allegations that a respondent has access to,
possession of, intention to, or has made threats to use, and past use of guns against the
petitioner resulting in temporary restraining orders containing findings that the respondent
has or intends to obtain and use a gun against an intimate partner. Most of the temporary
restraining orders containing such findings were against active duty military members.
Four of the few petitions that were denied also contained such allegations. Although the
use of guns in intimate partner relationships in Hawai‘i is less prevalent than in the
mainland U.S., it is not absent and deserves more serious scrutiny both at the ex parte
stage and at the OSC hearing. Possession and use, or threats to use, other weapons
should also be addressed. At the least, judges should be required to account for the lack
of findings about these allegations (as well as for the denials of petitions).

Male petitioners’ Orders for Protection actually lasted longer than female
petitioners’ Orders for Protection. This finding is suggestive of the efficacy that male
respondents may have in convincing female petitioners to have such orders dissolved –
and fits well with their much higher violation of such orders. Their Temporary
Restraining Orders and Orders for Protection were also served, on average, much more
quickly. This finding comports with previous research finding that men were more
familiar with the workings of the legal system and able to use it more effectively.

There are proportionally fewer military-related female petitioners – family
members and active duty – more than a fifth fewer – and more than twice as many
military-related male petitioners – who are all active duty – in relation to civilian
petitioners. I do not believe that there are more military male petitioners because
military-related women are more violent than civilian women, any more than I believe
military men are more violent than civilian men. Analysis of male petitioners’ claims –
in general and by military status – indicate probable use of the restraining order process
to continue control of intimate partners by both civilian and military male petitioners.
This is an area deserving further investigation – women may not seek court intervention if
they are likely to have experienced the court as a continuation of a partner’s control.

Comparisons of civilian and military-related petitioners’ allegations found that the
contents of the petitions were equivalent by sex/gender of the petitioner; i.e., civilian
female petitioners and military-related female petitioners make similar allegations in
similar overall proportions, as do civilian male petitioners and military-related male
petitioners. The distribution of claims of military-related male petitioners and military-
related female petitioners were dissimilar. Military-related males were very much less
likely to claim they’ve been physically injured and do not claim to have been physically
intimidated. They are also much more likely to claim they’ve been stalked – their claims
about stalking behavior, though, are limited to unwanted phone calls. Military-related
female petitioners are much more likely to claim they’ve been physically injured,
physically intimidated, coerced into sexual acts and threatened. The distribution of
claims of civilian female petitioners and civilian male petitioners were also dissimilar.
Physical injuries were twice as common for civilian female petitioners as for civilian
male petitioners, sexual coercion was nearly solely committed against female petitioners,
as was physical intimidation. Civilian male petitioners, just like military-related male
petitioners, were more likely to claim they’ve been stalked. Again, the behaviors they
complained about were mostly limited to unwanted phone calls.

Most petitions claim physical violence. Most allegations of physical acts are of
hitting and pushing without physical injury. Nearly all serious injuries were reported by
female petitioners.

Threats are reported in the majority of petitions. More threats are reported when
allegations include physical violence without physical injuries, except for military-related
female petitioners, for whom threats are more likely to be accompanied by injurious
physical violence. The most common threat is of physical harm to the petitioner; the least
common threat is of sexual harm. Less than 10 percent of petitions allege threats without some sort of physical violence. Most of these petitions were filed by males, particularly by military male petitioners. Threats generally include these themes, sometimes explicitly, often implicitly:

1) The abuser suggests to, or reminds, the victim that he can, and will, hurt or even kill her. The threatened harm is generally physical and violent, the threats are vengeful.

2) The abuser claims that he controls the victim and the situation. The tenor of the threats suggest that they are made in response to the victim’s signs of independence – to the abuser’s loss of control.

3) The abuser makes the victim responsible for his actions and words.

4) The abuser reminds the victim of past violence.

5) The abuser tells the victim that she cannot escape, the he will not allow anyone else to “have” her. Jealousy and ownership are evident in these threats.

Male petitioners’ allegations are largely lacking the themes of control, jealousy and ownership, reminders of past violence, being held responsible for the abusers’ actions, and warnings that he cannot escape.

Reports of psychological harm are made in nearly all petitions. These allegations report those actions and words of the respondent that are of most current concern to the petitioner. The categories of allegations are largely similar to those of the Domestic Abuse Intervention Project’s “Power and Control Wheel” as well as to a scheme developed through cluster analysis by psychologists (Follingstad et al., 2000). The largest
number of allegations consisted of disrespectful and humiliating statements and actions. Disrespect and humiliation went hand in hand with injurious physical violence; where petitioners reported physical violence, they reported more kinds of, and more distressing, acts of disrespect and humiliation; where they reported no physical violence, they mostly reported only name-calling. In general, claims of psychological abuse are accompanied by physical violence; the more physical violence reported, the more psychologically harmful acts are reported. Given this relationship, judges should look for – and ask directly about – physical violence and injuries whether or not a petitioner volunteers such information.

Reported stalking behaviors differed by the gender of the petitioner – female petitioners report more of the more serious behaviors of following, surveillance (waiting and watching), and house trespass, whether or not they also reported physical violence or injuries. Female petitioners’ statements about stalking are accompanied by threats, attempts at isolation, and respondents’ attempts to retaliate for their leaving the relationship or to regain control. Male petitioners complained most of persistent, unwanted phone calls, and relatively little of the following and waiting and watching that plagued female petitioners. Male petitioners’ statements about the content of the phone calls are most often that respondents’ call about custody and other issues about children and impending divorces. When physical injury is not also reported, stalking complaints are more often about persistent contact and less about surveillance.

When petitioners reported physical violence without offering information about whether they had been physically injured, they were more likely to report that their
children were being injured. In most petitions reporting physical injury to children, the petitioner is the mother and the primary motivation for filing the petition seems to be protection of the child. Few male petitioners claimed that a female respondent was harming her children. Even fewer claim that she has also physically injured the petitioner and is physically or emotionally harming the children. The male petitioners who did make such claims were almost all active-duty military members. (Another issue for further research.) Judges should be asking about the mother’s experience of physical, sexual and psychological abuse in these instances. Abuse of women and children in the family is frequently correlated.

Economic abuse is closely tied to evidence of control and of injurious physical violence – there is more reported when injurious physical violence is also reported.

The overwhelming majority of the dyads in the study population had multiple civil and criminal cases on record involving one or both person. Most of the civil cases involved both the petitioner and the respondent of the current TRO case in a previous or subsequent TRO case against the same partner. Most of the criminal cases involved the respondent as defendant and the petitioner as the complaining witness. In nearly half of the study population dyads, at least one (usually male) person had previous criminal convictions at the time the current petition for a temporary restraining order was filed – in less than 10 percent of the population did both persons had previous criminal convictions. Men had nearly twice as many previous convictions and were the most likely to have criminal convictions; female respondents were the least likely to have any criminal convictions. Male respondents were overwhelmingly the most likely to violate the
court’s orders. Men (20%) were most likely to have been in a previous violent relationship (as evidenced by previous divorces, restraining orders and violations of these orders, and convictions naming a different partner), and are most likely to continue their violent and controlling behavior in successive relationships as well as to be both petitioners and respondents in TRO cases against their intimate partners. Only 3 percent of the women were previously involved in a violent relationship. Twenty-three percent of the males had been charged in previous criminal cases for their violence against other people; only 6 percent of the females had. Thirty-three percent of the males had criminal convictions at the time the current TRO was filed; only 10 percent of the females did. In 13 percent of the dyads, both persons had such convictions.

For male petitioners, being convicted of AFHM was literally a coin toss. Dismissal rates were highest for civilian female petitioners (no cases were brought against military-related female petitioners) while conviction rates were highest for military-related male respondents. Civilian male respondents were only slightly more likely to be convicted of AFHM than to have the charge dismissed; military-related male respondents were much more likely to be convicted. All petitioners and respondents, male and female, civilian and military-related were more likely to be convicted on charges against persons than to have the case dismissed or to be acquitted.

The filing of a TRO with, or shortly before or after, a divorce complaint, which might be evidence that the TRO is being used to influence decisions in temporary orders in a divorce case, is present in only 10 percent of this population. The great majority of these filings are by male petitioners against female respondents (79%).
Given the obstacles that face abused women, changes to the TRO process that have ASB workers collect the information needed by police to find respondents and electronic or messenger transmission by ASB to the police would result in a much higher service rate and remove some of the obstacles facing victims seeking protection.

Improving the petition forms to require provision of the context of petitioners’ allegations, including indication of injury, the severity of injuries, and the consequences to the petitioner and the petitioner’s children of both physical and psychological maltreatment, would improve the information on which judges make decisions about whether to grant temporary restraining orders.

There is a disconnect between the declining number of arrests Honolulu police are making, the declining number of prosecutions, and the steady demand for shelter space. The arrest and prosecution numbers appear to indicate an improvement in the social climate that is discouraging violence against women by their intimate partners; the demand for shelter space and services, the steady number of hotline calls state that the violence continues unabated and that what has changed is the will to confront it on the part of the prosecutors and the police. This is a question for further investigation.

The high incidence of criminal convictions for assaultive acts and the highly gendered patterns evident in this analysis highlight the seriousness with which women’s claims of abuse should be treated by the police, prosecutors and judges. Assaultive, controlling men must discover that their battering of their intimate partners (women!) will be met with consistent and appropriate consequences, that the institutions of society will not collude with them in controlling their partners. They must discover each time they
come into the legal system that police, prosecutors, judges, and even defense attorneys do not condone or excuse either their attitudes or their actions. They must discover that counselors, therapists and custody evaluators see through their actions and will lay bare their excuses. This is the stuff of social change, of a feminist revolution. The questions about intimate partner violence must be about why men batter, why they are assaultive and controlling, rather than about why women stay or about women’s responsibility for men’s violence (i.e., claims that women cause it or that women are just as violent).

Batterers must be held accountable whenever they encounter our social institutions – the law, medicine, religion, military, employment, education. The goals of legal intervention must first be about making victims safe and aiding in their recovery.

Specific actions urged on the Court are these: Develop a method for directly transmitting TROs to the police for service and for proof of service to be returned to the Court. Revise the petition form to collect the context of petitioners’ allegations (such as injuries, arrests, pattern of violence in the relationship) and to collect data about petitioners and respondents – age, ethnicity, relationship, length of relationship, prior TROs, other civil cases and criminal cases, income, education, military status and so on – to improve our ability to determine the effectiveness of civil protection orders and who comes to court to obtain them. Begin to track intimate partner violence – both civil and criminal cases – as separate statistics. It really is not just another form of family violence.

Expand the availability of advocates to pro se petitioners in this process, other civil actions, and to complaining witnesses in criminal actions. Develop formal agreements with the military regarding dissemination of civil protection orders to the bases and
cooperation regarding personal service of court orders and hearing notices. Continue efforts toward creating a strong coordinated community response to intimate partner violence, and, in particular, the establishment of a Domestic Violence court within the Family Court. Continue to work with community advocates to slay the dragons of misinformation, myth, and bias about violence against women and its profound effects in our community.
APPENDIX A. Data collection form.
<table>
<thead>
<tr>
<th>C. Property damaged by:</th>
</tr>
</thead>
</table>

**Def. Action:**
- We seek permission intended to cause distress.
- Stalking, intimate definitions and accusations, keeping off balance, control communications, control movements, control resources (property, money), substance abuse, criminality.
- Immediate danger because: Acquaintances, family, associates.

**Petitioner's Description:**
- Immediate danger because: [Details provided in the form from the image].
- Immediate danger because: [Details provided in the form from the image].
- Immediate danger because: [Details provided in the form from the image].

**Length of Relationship:**
- Immediate danger because: [Details provided in the form from the image].

**Petitioner's Description:**
- Immediate danger because: [Details provided in the form from the image].

**Major Psychological Symptom:**
- Immediate danger because: [Details provided in the form from the image].

**History of Symptoms:**
- Immediate danger because: [Details provided in the form from the image].

**Def. States:***
- Immediate danger because: [Details provided in the form from the image].

**Contact:**
- Immediate danger because: [Details provided in the form from the image].

**Immed. Danger:***
- Immediate danger because: [Details provided in the form from the image].

**Immd. Danger:***
- Immediate danger because: [Details provided in the form from the image].

**History of Violence:**
- Immediate danger because: [Details provided in the form from the image].

**Def. States:***
- Immediate danger because: [Details provided in the form from the image].

**Def. States:***
- Immediate danger because: [Details provided in the form from the image].

**Def. States:***
- Immediate danger because: [Details provided in the form from the image].
**V. Defendant**
- may be mentally ill
- may use illegal drugs
- cocaine or alcohol
- may own a weapon
- gun
- has access to firearms

**VI. Defendant and Firearms**
- owns
- threat to use
- intends to obtain
- has used
- possesses a firearm
- may use because
- member of police, sheriff, law enforcement, armed forces, mail carrier, state employee required to be armed on duty

**VII. Defendant is a member of**
- police, sheriff, law enforcement
- State or federal military
- mail carrier
- state employee

**Plaintiff and/or Family**
- do not contact, threaten or physically abuse
- do not telehone
- do not contact, threaten or physically abuse plaintiff at work
- do not contact, threaten or abuse minor children at school or elsewhere
- do not maliciously damage property
- do not psychologically abuse plaintiff
- temporary custody of children

**Temporary Order**
- granted
denied other
date filed date order expires
- hearing date (this order)
- judge
- findings: owns, intends to obtain or possesses a firearm
- yes
- no
- Standard: do not threaten or physically abuse plaintiff or anyone living with plaintiff; do not contact, write, telephone or electronically contact plaintiff; do not visit or remain within 100 yards of plaintiff's residence or work.
- vacate plaintiff's residence and stay away
- waive filing fee
- temporary custody of children
- temporary supervision with children

**Service accomplished?**
- yes
- no
- date served
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<th>DOB</th>
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<th>Ethnicity</th>
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<td>Plaintiff</td>
<td>Employer</td>
<td>Address</td>
<td>SSN</td>
<td>DOB</td>
<td>Sex</td>
<td>Ethnicity</td>
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**ORDER FOR PROTECTION**

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<tbody>
<tr>
<td>Judge</td>
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</table>

**Findings**

- allegations proved
- Def. Agreed to order
- does abuse
- no finding of abuse

**Theft and Abuse (A)**
- don't threaten or abuse plaintiff or anyone living with etc.

**Contact (B)**
- don't contact plaintiff
- don't come within 100 yards of plaintiff, residence, work;
- don't come within 100 feet in public
- limited contact
- phone in person
- visitation
- counseling
- court
- other

**Temporary Custody and Visitation (C)**
- temp. legal and physical to:
- plaintiff
- defendant
- visitation to:
- plaintiff
- defendant
- not supervised
- supervised
- supervised
- other provision:

**Services and Domestic Violence Intervention (D)**

<table>
<thead>
<tr>
<th>Domestic Violence Intervention</th>
<th>plaintiff</th>
<th>defendant</th>
<th>CFS/DOV</th>
<th>PACF/PPC</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsequent Assistance</td>
<td>plaintiff</td>
<td>defendant</td>
<td>Castle</td>
<td>Other</td>
<td></td>
</tr>
<tr>
<td>Attend until clinical due</td>
<td>plaintiff</td>
<td>defendant</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other Orders (E)**

<table>
<thead>
<tr>
<th>Vacate residence</th>
<th>plaintiff</th>
<th>defendant</th>
<th>exclusive use goes to:</th>
<th>plaintiff</th>
<th>defendant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restraining order</td>
<td>plaintiff</td>
<td>defendant</td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>

**Exhibit (F)**

<table>
<thead>
<tr>
<th>Prohibited from possessing or controlling</th>
<th>yes</th>
<th>no</th>
<th>Firearm exemption?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

**Copy of order to:**

<table>
<thead>
<tr>
<th>Service</th>
<th>Plaintiff</th>
<th>Date</th>
<th>Defendant</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plaintiff</td>
<td>Date</td>
<td>Defendant</td>
<td>Date</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Defendant</th>
<th>DOB</th>
<th>SSN</th>
<th>Address</th>
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</table>
### Court Minutes

#### Related Cases:

### OTHER ORDERS

<table>
<thead>
<tr>
<th>Date</th>
<th>Order</th>
<th>Judge</th>
<th>Notes</th>
</tr>
</thead>
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**NOTES:**
APPENDIX B. HUMAN STUDIES COMMITTEE APPROVAL AND RESEARCH SUBJECTS TRAINING CERTIFICATE
MEMORANDUM

February 15, 2005

TO: Deby Williamson
Principal Investigator
Sociology Department

FROM: William H. Dendle
Executive Secretary

SUBJECT: CHS #13503- "Intimate Partner Violence and the Military on Oahu: A Mixed Methods Comparative Study"

Your project identified above was reviewed by the Chair of the Committee on Human Studies through Expedited Review procedures. The project qualified for expedited review by CFR 46.110 and 21 CFR 56.110, Category (7) of the DHHS list of expedited review categories.

This project was approved on February 8, 2005 for one year. If in the active development of your project you intend to change the involvement of humans from plans indicated in the materials presented for review, prior approval must be received from the CHS before proceeding. If unanticipated problems arise involving the risks to subjects or others, report must be made promptly to the CHS, either to its Chairperson or to this office. This is required in order that (1) updating of protective measures for humans involved may be accomplished, and (2) prompt report to DHHS and FDA may be made by the University if required.

In accordance with the University policy, you are expected to maintain, as an essential part of your project records, all records pertaining to the involvement of humans in this project, including any summaries of information conveyed, data, complaints, correspondence, and any executed forms. These records must be retained for at least three years from the expiration/termination date of this study.

The CHS approval period for this project will expire on February 8, 2006. If your project continues beyond this date, you must submit a continuation application to the CHS at least four weeks prior to the expiration of this study.

We wish you success in this endeavor and are ready to assist you and your project personnel at any time.

Enclosed is your certification for this project.

Enclosure.
UNIVERSITY OF HAWAI‘I

HONOLULU; HAWAI‘I

THIS IS TO CERTIFY THAT

Deborah Williamson

HAS COMPLETED THE UNIVERSITY OF HAWAI‘I’S FOUR HOUR WORKSHOP ON

“THE PROTECTION OF HUMAN RESEARCH SUBJECTS FOR RESEARCH INVESTIGATORS”

D. William Wood, Ph.D
Professor, Sociology
Date of workshop: September 22, 2003

William H. Dendle
Executive Secretary / Compliance Offic
Committee on Human Studies
University of Hawai‘i
APPENDIX C. PARENTS FILING FOR MINORS

There are nine cases in the three-month study population in which the purpose for filing was mainly to protect – or to control – a minor female (none were filed on behalf of minor males). Eight of the respondents were male (only 3 of whom were minors), one was a female minor. Seven female parents/guardians and two male parents/guardians filed the nine petitions for a daughter, step-daughter or ward.

Hawai‘i Revised Statutes at HRS §586-3(b)(1) state that a petition may be filed by “Any family or household member on the member's own behalf or on behalf of a family or household member who is a minor” and the age of majority is set at 18 years of age for both boys and girls by HRS §577-1. This means that young women must rely on adults to agree to file petitions for restraining orders – and that sometimes parents may file such petitions to control their daughters’ dating and sexual activity. Both situations are apparent in these nine petitions.

Five of these petitions contain allegations that the daughter has been abused by the respondent (this includes the case in which both the daughter and the respondent are female and under 18 years of age – the abuse alleged here is pushing and threats of harm if the daughter ends the relationship). The allegations in these cases include swearing at the daughter, pushing, ripping her clothes, stalking her at work and by phone, threats to harm her or her friends and family, forced sex, and a broken bone. They are just like the petitions filed by adult women.

Four of these petitions allege no abuse (including both petitions filed by fathers/guardians on behalf of daughters); the evident motivation for filing them is to
force the end of a daughter's relationship with a boyfriend of whom the parent does not approve. (It is possible that the case with two minor females belongs in this category.)

These petitions allege that the respondent is having sex with the daughter, that he is a bad influence and is the cause of the daughter missing school, defying authority (particularly the parent's authority), drinking alcohol, and running away from home. These petitioners also allege that the respondents will not stay away from their daughters, despite being asked and told to do so by the parents, and that the respondents do not leave or stay away from the home. One of these petitions also says that the respondent supplies the daughter with illegal drugs and has disturbing friends.

The daughters were ages 13 (male respondent was 17), 14 (male respondent also 14), 16 (no age given for male respondent), 17 (female respondent also 17), 17 (male respondent was 22), 17 (male respondent was 18), 16 (male respondent was 18), 16 (male respondent also 16), and 15 (male respondent was 23).

All nine of these petitions for temporary restraining orders were granted. Five were extended into Orders for Protection by agreement, one became an Order for Protection with findings against the respondent (an adult male), one became an Order for Protection by default. One temporary restraining order was dissolved by agreement. One temporary restraining order did not become an Order for Protection, but was used by the judge to intervene in the parent-child relationship through multiple review hearings over three months. Disposition of the four cases in which ending a daughter's relationship was the motivation for filing varied: one TRO became an Order for Protection by agreement and one by default (against an adult male). One was dissolved by agreement. One was
allowed to expire at the end of ninety days. This last is most interesting for the way the judge used it.

At the OSC hearing, the mother is adamant that her daughter not see the respondent (also a minor) again, the daughter is equally determined not to end the relationship. The judge does not give the mother the Order for Protection and does not dissolve the TRO for the daughter; instead, a review hearing is scheduled at which everyone is to report on their progress in meeting the judge’s requirements. Mother and daughter are directed to attend counseling together. Mother is directed to meet with all of the daughter’s teachers, find out what the daughter must do to bring her grades up and bring the teachers’ assessments to the next hearing. Respondent is to bring proof of his progress in his educational program. The daughter and the respondent are directed not to meet or talk to each other at school nor to meet outside of school – they are allowed one twenty minute phone call every day. Attendance at prom is contingent on the daughter’s grades improving to As and Bs. A couple of weeks later, at the next review hearing, contact between the daughter and respondent is increased to thirty minutes by phone and they may talk to each other at school. Daughter is admonished to bring her grades up and promises to do so. The respondent says that he plans to join the Army when he graduates. By the next hearing, Mother has sent daughter to live with a relative, forcing a change in schools, and has decided not to attend the counseling the judge ordered. The judge insists that Mother will go to counseling with her daughter, that the daughter will move back home, and that Mother and daughter will go together to the school to seek permission to return. Daughter and respondent are now allowed to date one weekend night per week;
daughter’s curfew is 11:00 p.m. Mother is to count to 10 when angry with daughter, to talk to her pastor or relatives when angry with daughter, rather than send her away or fight with her. Daughter can go to prom only if she also goes to the counseling.

A few weeks later, daughter has moved back home, and been allowed to return to her previous school. Daughter and respondent are allowed to go to the prom, and Mother has extended the curfew to 12:00 a.m. The TRO is allowed to expire with no further action (nfa).

In all of these cases, and especially in the case described here, the restraining order process has been used in accord with the Family Court presumption that all family members have responsibility to make the court’s orders work, to “regulate their relationship with each other through cooperative acts that will resolve their conflicts” (Farney and Valente, 2003, p. 39), and the juvenile court system “orientation” in which judges rely on “the puritan stance . . . [and] support parental demands more or less without question, or the progressive stance, whereby they take on parental roles.” (MacDonald and Chesney-Lind, 2001, in Chesney-Lind and Pasko, p. 129)

The temporary restraining order is meant to protect victims from abusers and should not be granted when there is no evidence of physical violence, psychological abuse or threats of harm. At least some judges in the Family Court, however, are granting these orders to parents seeking to control their daughters’ relationships and sexual behavior. This is analogous to sending such girls to juvenile detention for status offenses, such as running away from home or defiance of parental authority. It also puts these girls at risk of being charged with criminal contempt of court for violation of these restraining

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and protection orders, which might result in their being sent to juvenile detention for violation of a court order; although policy is generally that victims should not be charged with violation of their own protection orders, prosecutors still sometimes do this. Some parents and judges now use the restraining order system instead of the juvenile system to control girls’ sexuality and punish their defiance of authority by using the state’s authority to force the end of teen relationships and to intervene in parent-child disputes about a daughter’s social independence and sexual autonomy that do not qualify the case for juvenile court or criminal court.
APPENDIX D: ETHICS NOTE

I chose to do this project with only the data publicly available in the files of cases at the First Circuit Court on O'ahu, as this would minimize the possibility of endangering victims of intimate partner violence through unnecessary contact. To further minimize the risk to victims, the data presented in this thesis have been separated from the names and other identifying information of individuals. The project design also freed me from the complications of informed consent procedures for participants – the subjects had already provided this information to the courts, in a public process that created public records. Individuals have no expectation of privacy for the data that are included in such records, unless the records are sealed by the courts or the legislature creates such a right. On O'ahu, before, during and after the period of this study, the legislature had created no such right and very few restraining order or divorce files had been sealed.

I began collecting data, certain that I had provided sufficiently in the project design for any ethical issues that might arise for the project. However, I failed to anticipate that an exhibit to a temporary restraining order case would be evidence of war crimes currently under investigation by the military. Nor, as it turns out, did I fully consider the effect my research might have on my husband, who is an active duty military member and subject to the provisions of the Uniform Code of Military Justice (UCMJ). Restraining order files are full of allegations of criminal acts against intimate partners and their children and some of those files are about active duty military members committing such acts – information that my husband might have to act on if it came to him. My plan for shielding him included telling him nothing about the cases in my research, keeping the
collection forms locked away when I was not working on them, and pass coding my database.

Attached to a military spouse’s petition were copies of letters her husband had sent to her while he was deployed in Iraq. The letters were demanding, threatening and abusive – standard for cases of intimate partner violence – but in these, as I discovered a few months later when I was (still) typing data from the collection forms and photocopies of exhibits into my database, were buried graphic and unsettling descriptions of the respondent’s abuse of a prisoner in his custody in Iraq and the involvement of others in his unit. The acts he described were violations of several articles of the Uniform Code of Military Justice (UCMJ), as well as of U.S. laws and international treaties regarding the proper treatment of prisoners. Military courts-martial were in session for this man’s unit for the abuse and torture of Iraqi detainees in Abu Graib and other detention facilities during the unit’s deployment to Iraq at the time that I read these letters – which were probable evidence for the military investigations.

I was tired, emotionally exhausted from working with the data, and these letters were extremely upsetting; my husband and my son were in the room when I finished reading them, and so, because they were concerned and I was distraught, they learned that the letters existed, though they did not read them and I did not give them the details of the incident described. So much for protecting my husband by keeping the data away from him. I had a dilemma. My training as a paralegal argued that the letters must be turned over to one of the military criminal investigation units – and my husband now knew of the letters. My training as a social science researcher argued that the letters should not be
turned over to anyone, even though they were in public records, and my first duty was to
ensure that no one was harmed by anything that came out of my research. Turning over
the letters might endanger the victim. I did not know whether she knew the restraining
order file was public record, whether she was still being harassed by this man, whether he
knew the letters had been used as evidence in the case (since nothing in the file indicated
he had been sent a copy of the exhibits). The soldier did not return to Hawai‘i for the
OSC hearing and the Order for Protection was thus granted by default. The file did
contain proof that the TRO and the Order for Protection had been served properly on the
soldier. There was no address for the victim (a fairly common situation in these files,
precisely because these are public records and abusers do use them to locate women who
have left them). So, I had contact information for the soldier but none for the victim.
Worse, the custody orders were temporary and the divorce had not been filed, creating an
ambiguous (thus dangerous) situation for the victim.

Research ethics demands that the privacy of individuals be maintained as far as
possible, unless one has informed consent for disclosure of personal information given to
the researcher by individuals, and that the data collected not be used in ways that might
be harmful to them. Though public records carry no expectation of confidentiality for the
individuals who were involved in the cases (ASA Code of Ethics 11.02 (c), Limits of
Confidentiality), my research plan provided that individuals would not be identified, that
the data collection sheets would be kept locked when not in use, and that identifying
information would be removed once the database and thesis were completed. It did not
anticipate delivering evidence of crimes to any authorities.
Restraining order files routinely contain allegations of serious crimes committed by respondents against petitioners. Even though restraining order cases are public record, State law prevents the Family Court from referring the allegations of criminal acts from these petitions to prosecutors, except for allegations of child abuse, so the letters had not been brought to anyone's attention by the court.

Unsure of how to proceed, I emailed Meda Chesney-Lind, my thesis advisor, and she emailed Bill Dendle, the Executive Secretary and Compliance Officer for the University of Hawai'i Committee on Human Studies of the Institutional Review Board. Bill Dendle's advice was not to contact the military and offer up these letters unless there was some legal requirement to do so.

My husband and I discussed whether there was a legal mandate for either of us to report the letters to the military authorities. We decided that he probably did have a duty to report under the UCMJ, since he was subject to its provisions, and I did not. Since I did not have a client relationship with anyone in the study population, I had no duty to protect the letters under any legal ethics code, though, as stated above, I did have a duty to protect them under research ethics, in the absence of some other legal authority requiring their disclosure. However, to be certain for both of us, I contacted a civilian attorney who had once been the head of the Navy Trial Service at Pearl Harbor and with whom I had once worked on a domestic violence case.

While I waited for her answer, I did another (less emotional and more thorough) internet search to see if I could find either person involved in the case and perhaps information that would indicate the military authorities already had these letters. My
search turned up the date of deployment of this man's unit to Iraq, which matched the
dates of the torture of prisoners in Iraq. There was also an article in the local paper of the
city near the base where he was assigned stating, with his name and rank and unit, that he
had died of injuries from a motorcycle accident a few months after the restraining order
hearing resulted in an Order for Protection against him (which explains why the divorce
case was never filed). His death removed the threat of retaliation against his widow, as
well as his privacy rights, but, because others had been involved, did not make the letters
any less evidence.

The attorney confirmed our search of military regulations – my husband had a
duty to give copies of the letters to the Navy Criminal Investigative Service. The "United
States Navy Regulations, 1990," article 1137 states, "Persons in the naval service shall
report as soon as possible to superior authority all offenses under the Uniform Code of
Military Justice which come under their observation..." These regulations are standing
orders, which, under UCMJ Article 92 (2005), all members of the Navy are bound to
obey. Her advice was to deliver the letters to the NCIS along with copies of everything I
had copied from the file and the location of the original file. I did this on 8 March 2006.

In planning research, even research using only publically available data sources, it
is necessary to think through not just the possible harm to subjects or participants in the
research, but also the possible effects on one’s family members, and to identify and
resolve the possible conflicts between research ethics and other codes of ethics to which
one might be subject. It is also necessary to plan for the emotional toll a project may take
on the researcher, to avoid becoming exhausted and emotionally entangled. As for my
future projects, I will seek to have a room of my own in which to work, so as to have a
place to confine distressing data and to deal with my own responses to it without
involving my family through their proximity.
BIBLIOGRAPHY

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HRS §571-3, “Family courts, divisions of circuit courts”

HRS §571-14, “Jurisdiction; adults”

HRS §603-21.5 (a)-(b), “General,” regarding jurisdiction

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Commentary on §709-906 found at Hawai’i Legislature’s Status and Documents, www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0709/HRS_0709-0906.htm

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http://siadapp.dior.whs.mil/personnel/M02/fy04/M02_2004_census.pdf


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Table 1: Annual Estimates of the Population for the United States, and for Puerto Rico: April 1, 2000 to July 1, 2004 (NST-EST 2004-01), Population Division, U.S. Census Bureau, Release Date December 22, 2005, www.census.gov

Table 1: Annual Estimate of the Population for Counties of Hawai‘i: April 1, 2000 to July 1, 2004 (CO-EST 2004-01-15), Population Division, U.S. Census Bureau, Release Date April 14, 2005, www.census.gov


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Hawai‘i: Table 3: Annual Estimates of the Population by Sex, Race and Hispanic or Latino Origin for Hawai‘i: April 1, 2000 to July 1, 2004 (SC-EST2004-03-15), Source: Population Division, U.S. Census Bureau, Release Date: August 11, 2005.

Figure 2, Sex by Race and Hispanic Origin: 2000, showing a ratio of 96.1 men to 100 women, in “We the People: Women and Men in the United States: Census 2000 Special Reports,” CENSR-20, Renee E. Spraggins, U.S. Census Bureau, issued January 2005, at www.census.gov/population/www/socdemo/women.html

State of Hawai‘i Statistics


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Phone conversation with LCDR Harris of Commander Naval Region Hawai‘i, April 5, 2005.

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Letter from William A. Santos, Chief Court Administrator, First Judicial Circuit, State of Hawai‘i, April 26, 2005.
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