

# National Intimate Partner and Sexual Violence Survey



## 2010 Summary Report

National Center for Injury Prevention and Control  
Division of Violence Prevention



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# Sexual Violence Victimization among Women

**Table 7.1 Lifetime Prevalence of Sexual Violence by Any Perpetrator  
by State of Residence – U.S. Women, NISVS 2010 Rape**

**Sexual Violence Other Than Rape**

State	Weighted %	Estimated Number of Victims <sub>1</sub>	Weighted %	Estimated Number of Victims <sub>1</sub>
<b>United States Total</b>	18.3	21,840,000	<b>44.6</b>	53,174,000
Alabama	17.1	321,000	39.3	737,000
<b>Alaska</b>	29.2	72,000	<b>58.0</b>	143,000
Arizona	18.0	441,000	43.6	1,064,000
Arkansas	20.4	230,000	42.2	475,000
California	14.6	2,024,000	40.7	5,634,000
Colorado	23.8	451,000	47.4	897,000
Connecticut	22.1	310,000	48.6	683,000
Delaware	14.2	50,000	34.9	123,000
District of Columbia	*	*	43.0	112,000
Florida	17.0	1,266,000	41.8	3,111,000
Georgia	17.6	655,000	46.4	1,731,000
Hawaii	*	*	41.9	210,000
Idaho	18.6	105,000	46.9	265,000
Illinois	18.6	930,000	50.6	2,526,000
Indiana	20.4	505,000	43.9	1,091,000
Iowa	16.9	198,000	33.1	389,000
Kansas	15.6	168,000	39.4	424,000
Kentucky	20.3	345,000	47.7	812,000
Louisiana	15.9	280,000	28.9	509,000
Maine	17.3	94,000	42.5	231,000
Maryland	20.5	466,000	54.9	1,248,000
Massachusetts	15.1	406,000	41.1	1,105,000
Michigan	25.6	1,005,000	45.2	1,773,000
Minnesota	22.2	452,000	48.4	982,000
Mississippi	*	*	33.8	387,000
Missouri	17.5	413,000	39.8	939,000
Montana	18.5	70,000	40.2	153,000

Nebraska	18.8	129,000	47.5	325,000
Nevada	26.1	252,000	48.0	463,000
New Hampshire	23.5	125,000	51.2	272,000
New Jersey	*	*	46.7	1,606,000
New Mexico	19.5	149,000	49.0	374,000
New York	17.7	1,398,000	48.2	3,798,000
North Carolina	21.6	794,000	51.0	1,875,000
North Dakota	19.3	48,000	30.6	77,000
Ohio	16.2	743,000	41.2	1,886,000
Oklahoma	24.9	353,000	48.0	680,000
	27.2	409,000		837,000

## Oregon

**55.7**

Pennsylvania	18.8	960,000	45.3	2,313,000
Rhode Island	14.8	64,000	34.9	151,000
South Carolina	15.0	273,000	45.9	831,000
South Dakota	*	*	38.7	120,000
Tennessee	13.6	340,000	44.4	1,108,000
Texas	21.7	1,963,000	46.5	4,201,000
Utah	18.1	174,000	47.8	459,000
Vermont	15.4	39,000	43.3	110,000
Virginia	11.4	354,000	42.0	1,302,000
Washington	23.7	608,000	53.2	1,367,000
West Virginia	18.9	139,000	35.9	265,000
Wisconsin	17.7	390,000	41.3	912,000
Wyoming	22.2	45,000	43.8	89,000

3.

# ODARA

The ODARA is the result of a collaboration between the Ontario Provincial Police Behavioural Sciences and Analysis Section and the Research Department at Waypoint. It was created from research on nearly 600 cases from OPP and municipal police records. The ODARA is easy to score, either from documents alone, or from documents plus an interview with a female client who is the victim of the offender's most recent domestic assault. A police record check is always advised. The ODARA can be scored reliably, and has been validated in several jurisdictions. It is the first empirically tested and validated domestic violence risk assessment tool to assess the risk of future domestic assault, as well as the frequency and severity of future assaults. For all of these reasons, the ODARA is an important part of efforts to promote a coordinated, cross-sector response to violence against women.

ODARA 101: The Electronic Training Program is an interactive e-learning program for assessors to learn to use the ODARA any day of the year and at any time that fits their schedule. The program consists of five chapters: Introduction, Learning Modules, Practice Cases, Certification, Special Features. The learning modules cover the research background and validations of the ODARA, as well as the detailed scoring instructions for each item. Practice cases are provided in video and written formats, with the correct scoring explained. The program takes 4-6 hours to complete, depending on individual learning styles and preferences. This project has been made possible by a grant from the Ontario Ministry of Community Safety and Correctional Services.

There is no professional restriction on use of the ODARA. Because the ODARA is not a commercial product, we do not sell scoring pages or charge a fee per use. Training is not required in order to use the ODARA; however, our evaluation shows that a one-day course produces a significant improvement in participants' ability to score the ODARA reliably. We suggest that an ODARA user become certified if s/he might be asked to defend the ODARA score and the accuracy of the assessment. ODARA certificates are given by the Waypoint Research Department to applicants who demonstrate an ability to score the ODARA to a standard level of reliability.

System requirements are Microsoft Explorer, Version 8 or higher, or any version of Google Chrome, Safari or Firefox, flash enabled.

[Click here](http://odara.waypointcentre.ca) for more information and to request the required number of licenses for your agency: <http://odara.waypointcentre.ca>

We request that agencies request all the licenses they anticipate requiring through one contact person. If your agency is part of a larger organization with multiple offices, please ensure this request is made at one time for all offices requiring training. This is necessary as we endeavour to offer ODARA at no cost to agencies responding to domestic violence.

***This project has been made possible by a grant from the Ontario Ministry of Community Safety and Correctional Services and we are currently offering the training free of charge.***

**Error! Hyperlink reference not valid.** to register:  
<http://odara.waypointcentre.ca/Account/Request>

[ODARA 101 on YouTube](#)

Please don't hesitate to contact me if you have any questions.

Kind Regards,

Elke Ham

ODARA 101 Coordinator

# ODARA Scoring Form

Print

A summary of scoring instructions from ODARA 101 Learning Modules is provided below for convenient reference. The use of the full scoring criteria and supporting materials is strongly recommended. The ODARA manual is found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.

**Name:**

**Case #:**

**Date:**

## Item Score

Select score

View Criteria

1. Prior domestic incident of assault in a police or criminal record

Select score

View Criteria

2. Prior non-domestic incident of assault in a police or criminal record

Select score

View Criteria

3. Prior custodial sentence of 30 days or more

Select score

View Criteria

4. Failure on prior conditional release

Select score

View Criteria

5. Threat to harm or kill at the index assault



Select score

[View Criteria](#)

6. Confinement of the victim at the index assault

Select score

[View Criteria](#)

7. Victim concern about future assaults

Select score

[View Criteria](#)

8. More than one child

Select score

[View Criteria](#)

9. Victim's biological child from a previous partner

Select score

[View Criteria](#)

10. Prior violent incident against a non-domestic victim

Select score

[View Criteria](#)

11. Two or more indicators of substance abuse

Select score

[View Criteria](#)

12. Assault on the index victim when she was pregnant

Select score

[View Criteria](#)

13. Barriers to victim support



0

Raw Score (sum of items scored 1)

Select final score

Final Score (use prorating table if indicated)

### Prorating Table

Use if the available documentation indicates that an item might be present but the information is unclear or incomplete.

Raw Score	Number of Missing Items				
	1	2	3	4	5
0	0	0	0	0	0
1	1	1	1	1	2
2	2	2	3	3	3
3	3	4	4	4	5
4	4	5	5	6	7+
5	5	6	7+	7+	7+
6	7+	7+	7+	7+	7+

### Actuarial Table

Score	Percent who score in this range	Percent scoring lower	Percent scoring higher	Percent who Recidivate
0	9	0	91	7
1	17	9	74	17
2	21	26	53	22
3	20	47	33	34
4	13	67	20	39
5-6	14	80	6	53
7-13	6	94	0	74





## Index Assault

The index assault is the most recent incident in which the man being assessed assaulted a woman with whom he is (or was previously) married or cohabiting. The ODARA may also be used in a case of assault against a woman with whom he had a non-cohabiting intimate relationship (dating). The definition of assault is any act of violence that involved physical contact with the victim, or a credible threat of death made with a weapon in hand in the presence of the victim.

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### Prior Domestic Incident of assault in a police or criminal record

A prior domestic incident is one in which the man being assessed assaulted his current or previous female marital or cohabiting partner, or her child, and which is recorded in a police occurrence report or criminal record.

- ✓ The incident must include physical contact or the use, or attempted use of a weapon to contact the victim's body, or a threat of harm made with a weapon in hand. If you do not have a detailed description of the incident, count a criminal charge of assault or other violent offense against a domestic victim as a domestic incident.
- ✓ The incident must have been reported to the police, either when they attended the incident or in a subsequent report.
- ✓ The incident must have occurred on a separate occasion, before the index assault. If the index assault is part of a cluster of assaults documented in one police report, count any domestic assault that occurred at least twenty-four hours before the index assault as a prior domestic incident.
- ✓ The victim of a prior domestic incident must be a person who is a current or previous female domestic partner of the man being assessed, or the child of this partner.

✗ Incidents involving only pets or property do not count for this item.

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### Prior Non-domestic Incident of assault in a police or criminal record

A prior non-domestic incident is one in which the man being assessed assaulted any person who is not his current or previous female marital or cohabiting partner, nor her child, and which is recorded in a police occurrence report or criminal record. This item differs from the previous item, prior domestic incident, only in who the victim is.

- ✓ The incident must include physical contact, or the use or attempted use of a weapon to contact the victim's body, or a threat of harm made with a weapon in hand. If you do not have a detailed description of the incident, count a criminal charge of assault or other violent offense against a non-domestic victim as a non-domestic incident.
- ✓ The incident must have been reported to the police, either when they attended the incident or in a subsequent report.
- ✓ The incident must have occurred on a separate occasion, before the index assault. If the index assault is part of a cluster of assaults documented in one police report, count any non-domestic assault that occurred at least twenty-four hours before the index assault as a prior non-domestic incident.
- ✓ The victim of a prior non-domestic incident must be a person who is not a current or previous female domestic partner of the man being assessed, nor her child.

✗ Incidents involving only pets or property do not count for this item.



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## Prior Custodial Sentence of 30 days or more

A prior custodial sentence is the final disposition of a court for an offence committed by the man being assessed.

- ✓ The sentence itself must be for at least thirty days.
- ✓ The man must have been admitted to an adult or juvenile correctional facility, prison, or jail, but he need not have been in custody for the entire thirty days. Count the sentence, not the time spent in custody.
- ✓ The sentence must have been handed down before the index assault.
  
- ✗ Do not include a sentence given for the index assault.
- ✗ Time spent in custody before trial or before sentencing is not usually counted for this item.

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## Failure on Prior Conditional Release

A failure on prior conditional release requires that the man being assessed was on a conditional release

- ✓ The conditional release must have been ordered before the index assault.
- ✓ The man must have been at liberty in the community under supervision or other requirement ordered by a criminal court, or a no-contact order imposed by a civil court.
- ✓ Any known violation of the conditional release counts for this item.
- ✓ If the man was on a conditional release at the time of committing the index assault, and no further information is available about the conditions of the release, count the index as a failure of conditional release, because such releases almost invariably require the offender to keep the peace.

The same rule applies to any criminal charges incurred while on a conditional release.

- ✓ Count any known failure, even if it does not result in a charge. For example, there might be evidence that the man was using alcohol while on a probation order that required abstinence from alcohol, but the man was not charged with a breach of probation; the use of alcohol is a conditional release failure. Another example is of a man who is in the community under a restraining order but contacts the person he has been ordered not to contact; the violation of the contact order is a conditional release failure.
  
- ✗ Do not include any violations occurring after the index assault.

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## Threat to Harm or Kill at the index assault

- ✓ A threat to harm or kill at the index assault includes any uttered threat by the man being assessed to cause physical harm to a person other than himself.
- ✓ Also count bodily gestures that are commonly recognized as a threat of physical harm to a person.
  
- ✗ Threats involving only pets or property, or threats of non-bodily harm, do not count for this item.
- ✗ Do not include any threats occurring before or after the index assault.



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## Confinement of the Partner at the index assault

Confinement of the victim at the index assault includes any act by the man being assessed that physically prevents, or attempts to prevent, the victim from leaving the scene of the incident.

- ✓ The victim must be the man's current or previous female marital or cohabiting partner who is the victim of the index assault.
- ✓ Count a criminal charge of forcible confinement or kidnapping at the index assault, if it is known that the victim was the man's partner. Confining the partner in a locked room, or barring an exit, are examples of confinement.
- ✓ In locations without walls or doors, count actions taken to impede the partner's active attempts to escape from the location.
  
- ✗ Do not include any threats to harm the victim if she leaves, pinning the victim down in the course of an assault, cutting off the telephone, or confining persons other than the partner.
- ✗ Do not include any confinement occurring before or after the index assault.

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## Victim Concern about future assaults

Victim concern includes any statement by the partner indicating that she is concerned, afraid, worried, or certain that the man being assessed will assault her, or her child, in the future.

- ✓ This statement must be made by the partner in her first report about the index assault to the police. If no statement about victim concern in a police report is present, a statement made by the partner in her first report to a victim support service can be counted.
  
- ✗ Do not count the victim's concern for her safety, or her child's safety, in the course of the index assault.

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## More than One Child

To determine whether the man being assessed has more than one child:

- ✓ Count his biological or adopted children.
- ✓ Count the biological or adopted children of the partner who is the victim of the index assault.
- ✓ Count all living children, whether they are minors or adults, and whether they are living with the man, living with the partner, or living elsewhere.

There must be a total of at least two children in order to score 1 for this item.

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## Victim's Biological Child from a previous partner

To determine whether the victim has a biological child from a previous partner:

- ✓ Count only the children of the partner who is the victim of the index assault.
- ✓ Count only her biological children whose father is not the man being assessed.
- ✓ All such living children are included, whether they are minors or adults, and whether they are living with the man, living with the partner, or living elsewhere.
  
- ✗ Adopted children do not count for this item.



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## Prior Violent Incident against a non-domestic victim

Prior violence against a non-domestic victim is an incident in which the man being assessed assaulted any person who is not his current or previous female marital or cohabiting partner, nor her child. A specific incident is required, but a police occurrence report or criminal record is not required.

- ✓ The incident must include physical contact, or the use or attempted use of a weapon to contact the victim's body, or a threat of harm made with a weapon in hand.
- ✓ The violent incident must have occurred on a separate occasion, before the index assault. Information can come from sources other than criminal justice documentation, and the incident does not need to be known to the police.

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## Two or more indicators of Substance Abuse

More than one indicator of substance abuse is needed in order to score 1 for this item. Count any two of these specific indicators pertaining to the man being assessed.

- ✓ He consumed alcohol immediately before or during the index assault.
  - ✓ He used drugs immediately before or during the index assault.
  - ✓ He abused drugs and/or alcohol in the days or weeks before the index assault (e.g., alcohol intoxication, frequent alcohol use, use of street drugs, misuse of medication).
  - ✓ He noticeably increased his abuse of drugs and/or alcohol in the days or weeks before the index assault (without a return to normal consumption prior to the index assault).
  - ✓ He had been more angry or violent when using drugs and/or alcohol, before the index assault.
  - ✓ He consumed alcohol before or during a criminal offence pre-dating the index assault.
  - ✓ His alcohol use before the index assault but since age 18 resulted in some problems or interference in his life; this can include alcohol use related to law violations resulting in a charge or revocation of conditional release, withdrawal symptoms or inability to decrease use, or problems attributable to alcohol use (such as financial, job, relationship, legal, or health problems).
  - ✓ His use of illicit or street drugs, or misuse of prescription medications, before the index assault but since age 18 resulted in some problems or interference in his life; this can include drug use related to law violations resulting in a charge or revocation of conditional release, withdrawal symptoms or inability to decrease use, or problems attributable to drug use (such as financial, job, relationship, legal, or health problems).
- ✗ Do not include medications taken as prescribed.

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## Assault on victim while she was pregnant

- ✓ Include only assaults against the partner who is the victim of the index assault.
  - ✓ Count the index assault or any prior assault on this victim, committed by the man being assessed, if she was pregnant at the time.
  - ✓ The incident must include physical contact, or the use or attempted use of a weapon to contact the victim's body, or a threat of harm made with a weapon in hand. If you do not have a detailed description of the incident, count a criminal charge of assault or other violent offence if it is known that the victim was the index victim, and that she was pregnant at the time.
  - ✓ It is not required that the man being assessed states that he knew the victim was pregnant.
- ✗ Do not count assaults against previous partners while they were pregnant.



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## Barriers to Victim Support

Any one indicator Count any one of these specific circumstances faced by the victim of the index assault. Circumstances not included in this list do not count.

- ✓ The victim of the index assault has one or more children age 18 or under who live with her and for whom she provides care.
  - ✓ The victim of the index assault has no mobile or cell phone and no landline telephone in the home.
  - ✓ The victim of the index assault has no access to a vehicle and no public transportation in the vicinity of her home and no money for a taxi.
  - ✓ The victim of the index assault lives in a rural area with nobody living close by.
  - ✓ The victim of the index assault consumed alcohol or drugs just before or during the index assault, or she has a history of alcohol or drug abuse (e.g., alcohol intoxication, frequent alcohol use, use of street drugs, misuse of prescription medication).
- ✗ Do not include medications taken as prescribed.



# ODARA – Places where it is in use

Ham, Elke <eham@waypointcentre.ca>

10:17 AM (1 minute ago)  
June 1, 2015

Hello Andrew,

It was a pleasure speaking with you earlier.

Between 2013 and 2015, ODARA 101 was used to train more than 1200 individuals from organizations in Canada (9 Provinces and Territories), United States (34 states), UK, Italy, Germany, Australia, New Zealand, Portugal, Palau, Sri Lanka and South Africa. ODARA is being used by police services, attorneys, court services, probation and parole, crisis responders, victim counselors, offender treatment, child protection service, hospitals and more. It is now formally adopted by police services across Ontario as part of its domestic violence risk management protocol.

Some jurisdictions, have dedicated trainers to train their police officers or probation and parole/court officers, which are not reflected in the numbers above.

If you are interested, I can put you in touch with Faye Luppi, Project Director at Violence Intervention Partnership in Maine. She would be the best person to advise you which American jurisdictions are currently using the ODARA.

Good luck and please don't hesitate to contact us if you have any further questions or concerns.

Kind Regards,

Elke Ham

ODARA 101 Coordinator

# A Domestic Violence Shield Law for Oregon

*Updated Legislation for Victims of Abuse*

Objectives and Goals

Facts

Solutions—Considerations for Law

Training

**Background information**

*This document is presented by the Voices Set Free working group to provide lawmakers with background information for potential revision of domestic violence related laws in Oregon. –December, 2014.*

## **Objectives and Goals**

- Create an Oregon law that is fair to all concerned.
- Use information from states with effective legislation and proven approaches to create an Oregon law that is a “Gold Standard.”
- Reduce the level of domestic violence in Oregon.
- Reduce Department of Corrections taxpayer costs for incarceration of victims.
- Reduce Department of Human Services taxpayer costs for foster care of children of incarcerated victims. Oregon has about twice the national average of children in foster care.
- Support enforcement of Violence Against Women Act (VAWA) and protective or restraint orders.
- Require that a Grand Jury be informed of a history of domestic violence and abuse. If there was abuse and Imminent Threat, take that fact into consideration and do not indict or imprison the victim, but rather send the victim to a PTSD treatment facility.
- Prevent childhood exposure to domestic violence, which is a predictor of adverse health risk in later life.
- Train law enforcement personnel in effective domestic violence response and interview approaches, using standardized interview formats like the Ontario Domestic Assault Risk Assessment (ODARA) or Spouse Abuse Risk Assessment (SARA).
- Train secondary school students, and all State of Oregon employees, about domestic violence including identification of abusers and prevention. (Training should include all district attorneys, family court judges, and guardian ad-litem.)



## Facts

- In violent, potentially lethal domestic abuse (e.g., strangulation) self-defense including use of lethal force is a response, not an attack. Victims must often use a weapon against a larger assailant or attack a predominant aggressor to prevent threatened violence after a strangulation episode.
- Current law in Oregon tends to punish victims who defend themselves and/or their children—not the abuser who is threatening.
- Women are typically the victims of domestic violence and abuse, but not always.
- When a woman uses deadly force to defend herself from repeated violence and strangulation she is prosecuted and incarcerated.
  - Murder: 25 years to life
  - Manslaughter: 10 to 20 years
  - Assault with a deadly weapon: 70 months to 10 years
- The average cost to incarcerate a woman is more than \$800,000, including trial, incarceration for 10 years, foster care of children, and other associated costs.
- Oregon has seen an 85 percent increase of incarcerated women in the last 15 years, many of whom are there for defending themselves. The abusers are then free to repeat their offenses, creating more victims. Victims are sometimes sent to batterer programs for defending themselves, which is a form of re-victimization.
- In Oregon, the recidivism rate for incarcerated female victims of domestic violence and abuse is zero.
- Ineffective law enforcement response to 911 calls for help is a significant factor. There sometimes is no response from law enforcement at all. The victim's options then become to defend with force—or to be killed.
- Strangulation/choking is not a felony in Oregon, as it is in many other states—abusers frequently get little or no jail time.
- “Imminent Danger” increases as abuse continues, escalates, and becomes more threatening.
- Domestic violence in Oregon affects, at some point in their lives, one in three women (33%) and one in four men (25%).

## Solutions—Considerations for Law

- Create an Oregon law that deals effectively with the perpetrator—not the victim.
- Expand self-defense definition to include the battered woman/victim perspective.
- Codify “Imminent Threat,” “Terroristic Threats,” “Menacing,” and “Strangulation” as operative legal terms so that legal interpretation is standardized. “Imminent Threat” is especially important because it is ongoing if there is a pattern of continued abuse and violence, and it is the basis for lethal response.
- Require the Grand Jury to be informed of any history of domestic violence (including, repeated abuse, lethal threats, and other predictors of lethality).
- Expand the definition of “Self Defense” to include “Self Defense for Domestic Violence Abuse Victims.” See ORS 161.209, ORS161.215, and ORS161.219.
- Prosecute “Terroristic Threats,” “Menacing,” and “Strangulation” as felony offenses. These are actions of escalating violence and predictors of lethality.
- Require completion of mandatory domestic violence intervention and prevention programs in all cases of domestic violence and battery arrests. The “EMERGE” program (<http://www.emergedv.com>) is a model.
- Consider child safety a primary issue.
  - Legislate immunity from kidnapping prosecution for victims who flee with children.
  - Legislate immunity from “failure to protect” children when an abuse victim is seeking protective orders.
  - Forbid unsupervised child visitation with abusers.
- Consider retroactive application of this new law in cases where wrongful incarceration has taken place. Oregon is paying many millions of dollars for potentially wrongful incarceration.
- Redirect abuse victims with post-traumatic stress disorder (PTSD) or battered person syndrome to psychological rehabilitation, as in the Veteran’s Diversion Program.
- Create a statewide database for records and statistics of domestic violence in Oregon.
- Train specialized law enforcement authorities in response to and investigation of domestic violence, using a standardized investigation format like the Ontario Domestic Assault Risk Assessment (ODARA) or Spouse Abuse Risk Assessment (SARA).

- Require all law enforcement personnel to complete bi-annual domestic violence training to be created by this law and designed by a task force of Oregon subject-matter experts.

## **Training**

Online domestic violence training course (offered through state iLearn system) will minimally include:

- Definitions of abuse—emotional, physical, sexual, verbal, economic
- Current state and federal laws, statistics, VAWA
- ODARA/SARA lethality assessments and predictors
- Myths that hurt victims (e.g. “Why doesn’t she just leave?” “Once parents divorce the kids are safe.” “She can just go to a women’s shelter.” etc.)
- Identification of primary aggressor
- Effect of domestic violence on children
- Manipulations by abusers/batterers—abuse recognition
- Rigid stereotypes
- Cycle of abuse/power, intermittent reward/entitlement
- Effective responses for dealing with risky situation
- “Victim perspective” training, using videos with real-life scenarios

# A Domestic Violence Shield Law for Oregon

*Updated Legislation for Victims of Abuse*

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Information about domestic violence

Needed legislative changes

Fair treatment for both abusers and victims

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- Strangulation/choking is not a felony in Oregon, as it is in many other states—abusers frequently get little or no jail time.
- “Imminent Danger” increases as abuse continues, escalates, and becomes more threatening.
- Domestic violence in Oregon affects, at some point in their lives, one in three women (33%) and one in four men (25%).

## Solutions—Considerations for Law

- Create an Oregon law that deals effectively with the perpetrator—not the victim.
- Expand self-defense definition to include the battered woman/victim perspective.
- Codify “Imminent Threat,” “Terroristic Threats,” “Menacing,” and “Strangulation” as operative legal terms so that legal interpretation is standardized. “Imminent Threat” is especially important because it is ongoing if there is a pattern of continued abuse and violence, and it is the basis for lethal response.
- Require the Grand Jury to be informed of any history of domestic violence (including, repeated abuse, lethal threats, and other predictors of lethality).
- Expand the definition of “Self Defense” to include “Self Defense for Domestic Violence Abuse Victims.” See ORS 161.209, ORS161.215, and ORS161.219.
- Prosecute “Terroristic Threats,” “Menacing,” and “Strangulation” as felony offenses. These are actions of escalating violence and predictors of lethality.
- Require completion of mandatory domestic violence intervention and prevention programs in all cases of domestic violence and battery arrests. The “EMERGE” program (<http://www.emergedv.com>) is a model.
- Consider child safety a primary issue.
  - Legislate immunity from kidnapping prosecution for victims who flee with children.
  - Legislate immunity from “failure to protect” children when an abuse victim is seeking protective orders.
  - Forbid unsupervised child visitation with abusers.
- Consider retroactive application of this new law in cases where wrongful incarceration has taken place. Oregon is paying many millions of dollars for potentially wrongful incarceration.
- Redirect abuse victims with post-traumatic stress disorder (PTSD) or battered person syndrome to psychological rehabilitation, as in the Veteran’s Diversion Program.
- Create a statewide database for records and statistics of domestic violence in Oregon.
- Train specialized law enforcement authorities in response to and investigation of domestic violence, using a standardized investigation format like the Ontario Domestic Assault Risk Assessment (ODARA) or Spouse Abuse Risk Assessment (SARA).

- Require all law enforcement personnel to complete bi-annual domestic violence training to be created by this law and designed by a task force of Oregon subject-matter experts.

## Training

Online domestic violence training course (offered through state iLearn system) will minimally include:

- Definitions of abuse—emotional, physical, sexual, verbal, economic
- Current state and federal laws, statistics, VAWA
- ODARA/SARA lethality assessments and predictors
- Myths that hurt victims (e.g. “Why doesn’t she just leave?” “Once parents divorce the kids are safe.” “She can just go to a women’s shelter.” etc.)
- Identification of primary aggressor
- Effect of domestic violence on children
- Manipulations by abusers/batterers—abuse recognition
- Rigid stereotypes
- Cycle of abuse/power, intermittent reward/entitlement
- Effective responses for dealing with risky situation
- “Victim perspective” training, using videos with real-life scenarios



# A Domestic Violence Shield Law for Oregon

*Equity for victims of domestic abuse*

[FBI Statistics](#)

[The Facts](#)

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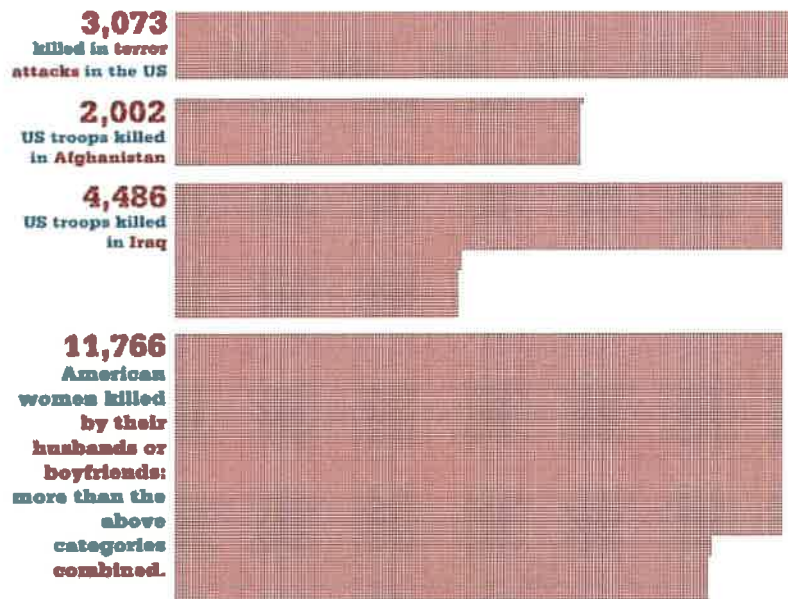
[Adverse Childhood Experiences Influence Adult Health Status](#)

[What YOU can do](#)

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## FBI Statistics

## What War on Women?



Figures from 9/10/2001 to 6/6/2012. Each dot equals one death. Domestic violence stats via Federal Bureau of Investigation. If a loved one is hurting you call 1 (800) 790-SAFE.

## The Facts

- Oregon has the second worst record in the nation for sexual violence victimization among women—*Centers for Disease Control (CDC)*
- 1 of 3 Oregon women has experienced abuse—*Portland State University Victim of Crime Study*
- 1 of 7 Oregon boys has experienced abuse—*Portland State University Victim of Crime Study*
- A woman or child is killed roughly every 10 days in Oregon by a batterer—*Oregon Coalition Against Domestic and Sexual Violence*
- 20,000 domestic abuse calls for help went unanswered in Oregon in 2012—*Oregon Department of Human Services*

## Comparative Deaths

Oregon police officers killed in confrontation annually



Oregon women and children killed by abusers annually



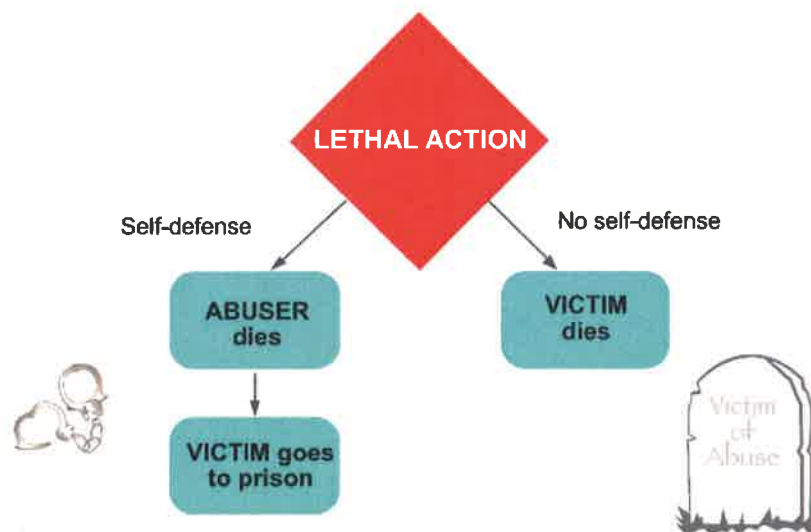
Sources: *Police Association website* and *"Sharp spike seen in Oregon domestic violence deaths,"* By *Kristina Nelson KVAL News*.  
Published:  
Jan 18, 2011

Average number of deaths

## Predictors of Lethality in Domestic Violence



## Consequences for Victim

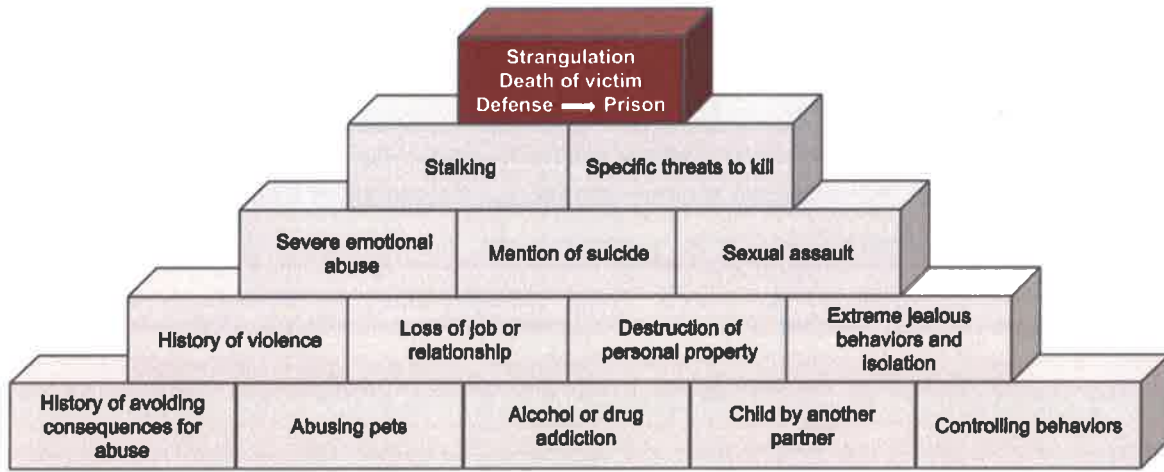


## Lethality Predictors

- Strangulation
- Loss of job or family
- Emotional abuse
- Specific threats to kill spouse, children, or pets
- Stalking
- Extreme jealous and controlling behavior
- Sexual assault of partner
- Drug or alcohol abuse
- History of “getting away with” abuse
- Destroying victim’s property
- Using a weapon threateningly
- Suicidal talk
- Court involvement
- Traditional two-parent home
- History of avoiding consequences for abuse
- Abusing pets
- Alcohol or drug addiction
- Child by another partner
- Controlling behaviors
- History of violence
- Loss of job or relationship
- Destruction of personal property
- Extreme jealous behaviors and isolation
- Severe emotional abuse
- Mention of suicide
- Sexual assault
- Stalking
- Specific threats to kill



## Building Blocks of Domestic Violence



## Imminent Threat/Danger



## Strangulation

### Facts

- Strangulation is the most serious predictor of future homicide
- All strangulations are attempted murder or terroristic threats
- A victim can lose consciousness with 11 pounds of pressure
- Death can occur after 20 seconds
- Brain damage can occur
- 99% of strangulation victims are women and children
- Strangulation victims suffer the same trauma as gunshot victims

### Strangulation...is a **MISDEMEANOR** in Oregon

When, for example:

- Your teenage daughter's boyfriend strangles her until she passes out
- An enraged husband strangles his pregnant wife
- A mother of two children is strangled while her kids are next door
- A middle aged woman is strangled by the ex-husband who stalks her
- An 11-year-old stepson is strangled
- A 12-year-old daughter is strangled

*A misdemeanor means that someone who commits this crime may not spend even one night in jail.*

### Strangulation...is the least serious class of **FELONY** in Oregon

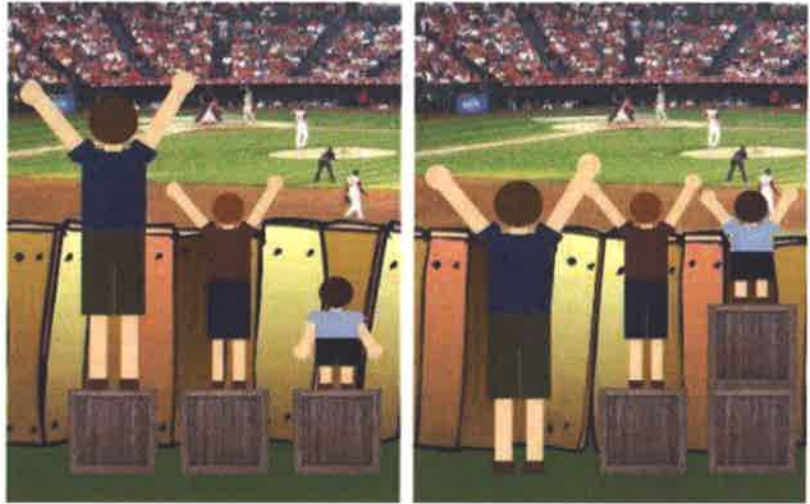
Only when:

- A victim's children watch the strangulation
- A victim is
  - under 10 years of age
  - a disabled person
  - an elderly person
- It is the fourth assault



## Equality doesn't mean Equity

It is not equitable to punish victims of abuse, who defend themselves, in the same way you would punish those who have different motives. One size does not fit all.



Equality

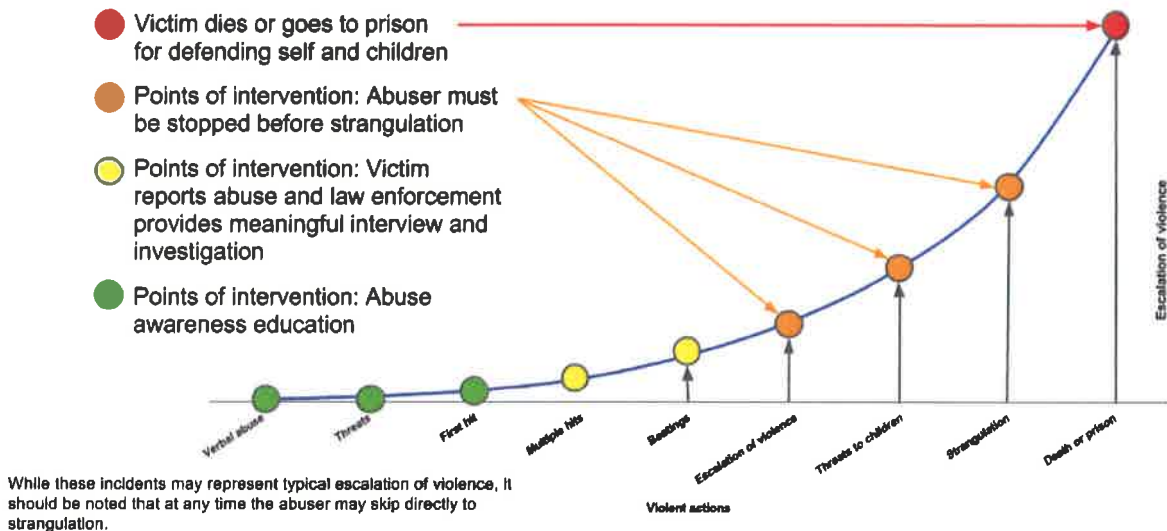
Equity

## Why doesn't she just leave?

- **Leaving triggers fatality**—70% of homicides occur AFTER victim has left or acquired protective order
- **Mother stays to protect children**—60% of batterers start abusing children after divorce
- **Economic hardship and homelessness**—50% of homeless women and 80% of homeless children are fleeing abuse
- **Loss of community and support**—Victim is NOT the criminal, yet stands to lose everything
- **Victim blame**—Friends and family can turn against victim
- **Love**—Victim hopes to stop abuse and keep the family intact

*Source: Oregon Coalition Against Domestic and Sexual Violence*

## Progression of Violent Events and Opportunities for Intervention



## When Police Intervention Fails

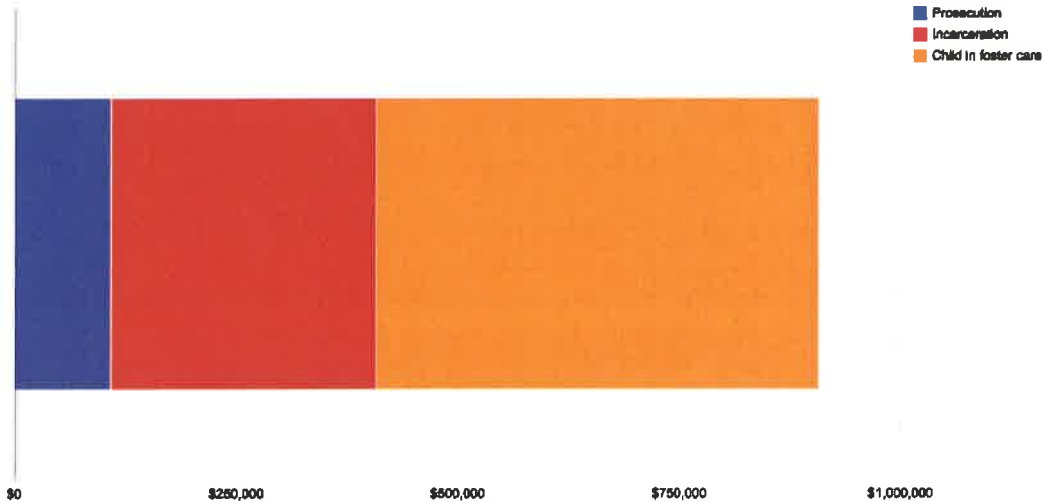
- Nearly 100% of women and teens imprisoned for defending themselves had called the police previously for help—*Dobash, Bowker, and Leonard "Convicted Survivors-an Overview," Vanguard University*
- 80% of protection orders are not enforced—*Multnomah County*
- In role-play training, police arrested the victim rather than the aggressor 98% of the time—*Summer Conference Oregon Coalition 2014*
- Police in Oregon perform predominant aggressor and lethality studies in less than 10% of cases—*Practical implications of DV research, Dr Andrew Klein DOJ Study*

Maryland experienced a 34% reduction in domestic violence homicides after implementing lethality assessments in Police response, and sharing these assessments with family court judges, child services, etc.



## Cost to Incarcerate a victim

Average 10 year cost to incarcerate victim



Average cost for each prosecution = \$108,000

Incarceration = \$30,000/year

Child in foster care = \$25,000 per child each year

Example: Institutionalization of one mother of two children for 10 years

Prosecution: \$108,000

Incarceration: \$30,000 x 10 years = \$300,000

Foster care: \$25,000 x 2 children x 10 years = \$500,000

Total: \$908,000

70% of women in prison have children

50% of those children are in foster care

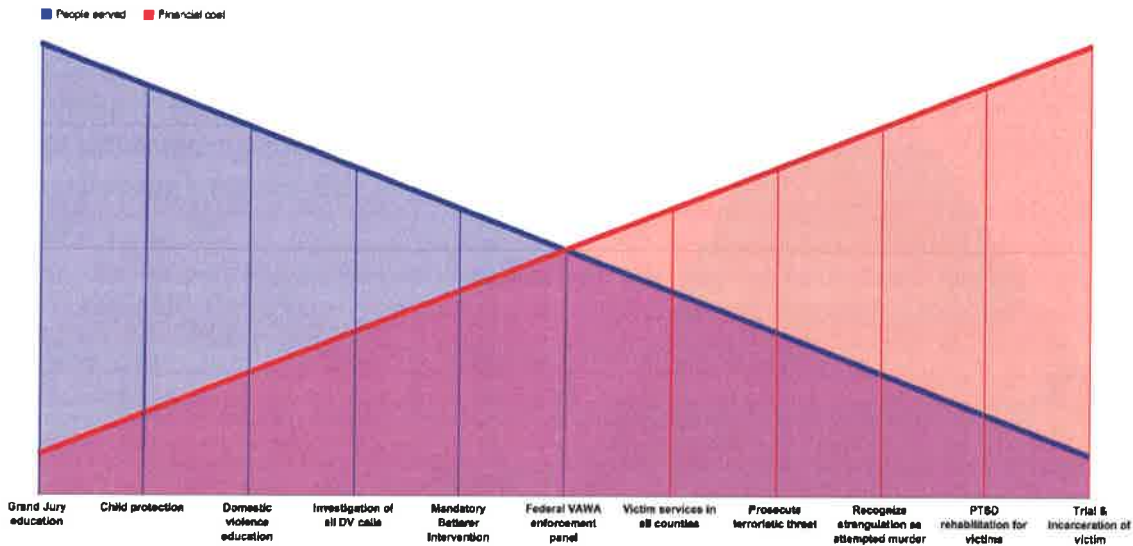
## Cost of Incarceration of Victim vs Therapy

- Average Oregon cost for prosecution = \$108,000
  - Incarceration = \$30,000/year
  - Child in foster care = \$25,000 per child each year
- VS
- Average cost of post traumatic stress treatment = \$70,000



Sources: Oregon Department of Justice 2010 financial report, Oregon Department of Corrections and Children in Foster Care: Societal and Financial Costs, AFFEC 2011

## Cost Effectiveness of Early Prevention and Early Intervention as opposed to Prosecution and Incarceration



This chart illustrates the financial cost and people affected by various domestic violence mitigation strategies. As an example: Domestic violence awareness training can impact a large number of people for a low cost. Post-traumatic stress rehabilitation is less expensive than incarceration. Incarceration is very expensive and impacts only a small number of abuse victims.



### Domestic Violence Shield Law

1. Require domestic violence education of all secondary school students, teachers, mandatory reporters, and state workers, including specialized training for law enforcement, judges, district attorneys, guardian ad-litem
2. Prosecute terroristic threats
3. Classify "imminent danger" as always existing if predominant aggressor has strangled or seriously assaulted the victim in the past and has made threats to kill in the future
4. Recognize that abuse victims may need to use a weapon to fend off a larger attacker
5. Require mandatory and significant batterer interventions, similar to DUI interventions
6. Classify strangulation as attempted murder or a terroristic threat
7. Require Grand Juries to be domestic violence informed prior to any indictment
8. Mandate post traumatic stress disorder treatment, rather than prison, for abuse victims who fight back
9. Create a Violence Against Women Act (VAWA) enforcement panel
10. Offer wrap-around victim services in all counties

**...domestic violence affects more than just the individual victim; it is a public safety issue that affects all of society.**

*Donna Willa, "Forum: Mandatory Prosecution in Domestic Violence Cases: Domestic Violence: The Case For Aggressive Prosecution," U.C.L.A. Women's L. J., Spring/Summer 1997*

### **What YOU can do**

- Require police to perform lethality and predominant aggressor assessments
- Prosecute strangulation as either attempted murder or a terroristic threat
- Require domestic violence training of family court judges and guardian ad-litem to protect children and avoid punishment of protective victims
- STOP arresting victims for defending themselves
- Educate youth and other Oregon citizens on the dynamics of abuse
- Enforce protective orders and Violence Against Women Act
- Hold batterers accountable with early intervention



### **Contact Voices Set Free**

End violence against women, children, and under-represented populations.

Voices Set Free  
254 N 1st Avenue  
Hillsboro, OR 97124  
Cell: 503-997-8041  
Fax: 503-846-0709  
Email: [louise@voicessetfree.org](mailto:louise@voicessetfree.org)  
Web: [www.voicessetfree.org](http://www.voicessetfree.org)



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