

## **Glossary of Terms**

**"A Just World"**: Societal belief that domestic violence does not occur or is an unusual event. When victims claim to have been abused societal response is to believe that we live in a just world and since we do, domestic violence does not happen and if it does it is limited to other parts of town, other societies, and people unlike ourselves. Such a view allows society to discount victims, ask what they did to cause the incident, and ignore the problem of domestic violence.

**Battered Woman's Syndrome**: Term first used in the 1970s, it is now generally interpreted to refer to the common experiences of, and impact on, women who have been battered by an intimate partner. These include specific psychological and behavioral patterns and their effects upon the beliefs, perceptions, and behaviors of victims. The term "battered woman syndrome" has been criticized as suggesting the battered woman suffers from a syndrome, that is, an illness or pathology; that the term is not specific as it has been used to include learned helplessness, the cycle of violence, and post traumatic stress disorder (PTSD); that the term is unclear as it can be used to refer only to psychological effects of battering, or to the broader effects of living with battering; and that there is a universal pattern of behavior associated with the effects of battering while the term suggests that there is a single pattern.

**CV, Curriculum Vitae, Resume, Vita**: A listing of relevant education, training, experience, teaching, and writing, and awards prepared for employment and in the case of expert witnesses, for legal proceedings where a person may be called as a witness.

**Cycle of Violence**: A term coined by Dr. Lenore Walker in 1981, to describe a pattern of behavior present in couples where domestic violence was present. What she labeled "The Three Phase Theory of Domestic Violence", is now called the "Cycle of Violence". Phase one is the "**tension building phase**" in which the batterer baits, criticizes, and belittles the partner. The batterer is angry and seeking a reason, real or imagined, to batter. The victim senses the rising anger and tension and tries to do as the batterer asks. The victim internalizes her anger and fear and become depressed, anxious, and even feel helpless. Victims will try to calm matters to avoid being beaten. If they feel they cannot avoid the beating then some victims will upset the batterer at a time and place where they may be less seriously injured. The ability to provoke, which is really just the ability to determine the time of the attack, may give the victim the idea that the victim causes, and is to blame, for the attack. This also gives the victim the

illusion of having power in the relationship and feeds the batterer's belief that the victim is responsible for causing the violence.

Phase two is the "**acute battering incident**" when the batterer attacks the victim. The batterer often blames the victim for the attack blaming her for not complying with his directives. The victim is grateful for surviving the incident and minimizes how serious it was. Many victims do not immediately seek medical attention for injuries. The victim may call police at this phase and cooperate with them.

Phase three is called by various names such as, "**loving reconciliation**" or "**the honeymoon phase**" or "**loving respite**". The batterer begins a campaign to win the victim back. He is kind, loving, and generous. He may promise to seek counseling and assures her that the attack was an aberration. The batterer wants to be sure that the victim does not leave him. He assures the victim that he would fall apart without her. The batterer says or does whatever he thinks will cause the victim to stay, including making promises, giving gifts, or resorting to threats. The victim wants to believe that his promises are sincere and he really will not strike again. It is during this phase that the initially cooperative victim becomes reluctant and uncooperative with the criminal justice system.

The cycle repeats itself over time. It will escalate in frequency and severity without outside intervention.

Many experts do not believe that the cycle of violence accurately describes the battering relationship. Many victims never have a loving reconciliation period. Instead, after the attack the batterer begins to become more critical and angry until the next incident occurs. Some batterers strike without warning and without a tension building phase. Many experts feel that the Power and Control Wheel better describes the relationship.

**Delayed Reporting:** Behavior of domestic violence victims to not report incidents of abuse or to delay reporting until a subsequent incident or until injuries are severe. Delayed reporting can be to avoid detection and protect the abuser, out of fear of reprisal by the abuser if the incident is detected, due to embarrassment, or because the victim does not believe anything will happen to make her safe if she does report. Reports can also be delayed until the effects of trauma and crisis have waned.

**DSM:** The Diagnostic and Statistical Manual of the American Psychological Association (APA) listing conditions and disorders recognized by the APA. Now in its fourth edition.

**Differentiating and Distancing:** See also "a just world". Societal belief that domestic violence does not occur or is an unusual event. When victims claim to have been abused societal response is to believe that we live in a just world and

since we do, domestic violence does not happen and if it does it is limited to other parts of town, other societies, and people unlike ourselves. Such a view allows society to discount victims, ask what they did to cause the incident, and ignore the problem of domestic violence.

**Domestic Violence:** A pattern of increasingly frequent and severe physical, sexual, verbal, emotional, spiritual, and economic abuse used by one intimate against another to obtain power and control.

**Dominant Aggressor (Formerly Primary Aggressor):** Not necessarily the first to strike, but the most significant aggressor. In determining the dominant aggressor an officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, and whether either person acted in self defense. Penal Code Section 13701(b).

**Dr. Jeckyl and Mr. Hyde:** Term used to describe batterers who appear to be responsible and non-violent in public while they are abusive to their intimate partners, children, and sometimes other household members and pets. The batterer may also vary their behavior at home so that the cruel and abusive behavior is intermittent, and are alternated with times when a batterer is charming and loving.

**Expert Testimony on Domestic Violence:** Evidence from an expert witness provided to the judge and/or jury to provide a general understanding of the general principles of domestic violence including battering and its effects, and to provide a framework for evaluating the facts of the case in issue.

**Expert Witness:** A person with special knowledge, skill, experience, training or education on a subject beyond common experience. California Evidence Code 720

**Foundation or Preliminary Facts:** A fact upon which the existence or nonexistence of which depends the admissibility of evidence. Evidence Code 400. It is the evidence that must be offered to permit the judge to decide if evidence sought to be introduced can be presented to the trier of fact (jury).

**High Profile:** A case that receives heightened attention because of the status of a party, media interest, or the case circumstances.

**Hypothetical Question:** A question posed to an expert witness that includes facts that the expert must assume to be true. The expert is then asked to state an opinion about an issue in the lawsuit.



**Learned Helplessness:** The term was coined by Dr. Lenore Walker to describe typical reactions by victims subjected to repeated abuse. Drawing on animal psychology research in which animals who had been subjected to electrical shocks when trying to reach food no longer tried to reach the food even when the electrical shocks were ended, the term is used to describe domestic abuse victims who after several beatings and unsuccessful efforts to change the situation and leave, realize there is nothing they can do, and give up and become hopeless. This concept is often criticized for failing to identify survivor behaviors of many victims and for failing to consider societal failures that fail to protect victims who try to leave.

**Minimizing:** Victim behavior of understating seriousness of incident or severity of injuries used as a coping mechanism and because victim is grateful that she survived the incident which was not as bad as it might have been. Abuser behavior to understate degree of victim's fear, intensity of the attack, and extent of victim's injuries to reduce personal sense of guilt and remorse and to feel better about himself. Tactic is used with the victim to convince her that she is overreacting, is exaggerating, and has a faulty sense of reality. Abuser also uses this to convince law enforcement and other criminal justice agencies that the incident was not serious and does not require that abuser be held accountable.

**Post Traumatic Stress Disorder (PTSD):** A collection of psychological symptoms including re-experiencing traumatic events through flashbacks, intrusive thoughts, or nightmares, attempting to avoid situations associated with the traumatic experiences, numbness inability to recall some parts of events, sleep disturbances, difficulty concentrating, irritability, and hypervigilance. PTSD is also associated with somatic and physical complaints, depression, anxiety, and suicidal thoughts and attempts. It is included in DSM IV.

**Power and Control:** An explanation of the battering relationship devised by Ellen Pence and others in Duluth, Minnesota, after working with victims and batterers. The dynamics are depicted in a wheel. The outer rim lists physical and sexual violence. These are the intermittent behaviors which keep the victim caught in the relationship. The inner spokes of the wheel are the constant, daily behaviors used to control the victim. These include: using coercion and threats; intimidation; emotional abuse, isolation; minimizing, denying, and blaming others; using children; male privilege, and economic abuse.

**Pseudo-Hostage:** Hostage negotiators typically deal with two different situations. One is where the hostage taker grabs a hostage to assist in an escape after a failed crime or to trade for something of value. The hostage taker makes specific demands to obtain whatever s/he desires. In contrast, there are situations where the hostage taker has a hostage but makes no demands. The hostage taker has captured whoever is the target and simply wants to punish, degrade, humiliate, win back, or kill the target. In this situation, the hostage is not a "true" hostage, a



person seized to bargain with, but is a pseudo-hostage, the intended target and goal. Domestic violence hostage taking typically involves pseudo-hostages.

**Recanting:** Common victim behavior to retract prior explanation for incident and injuries often done to protect the abuser and to protect the victim and other family members and pets from reprisal.

**Relevance:** Part of legal foundation for admissibility of evidence. Relevance means that the proffered evidence has some tendency in reason to prove a matter in dispute.

**Self-Medicating:** Victim behavior and coping strategy to use drugs and alcohol to mask the physical and psychological pain of living with domestic violence. It is sometimes called situational alcoholism or addiction because the behavior disappears with the cessation of abuse.

**Separation Violence/ Separation Assault:** "Separation assault" was coined by Professor Martha Mahoney in "Legal Images of Battered Women: Redefining the Issue of Separation" 90 Mich. L. Rev. 1 (1991) to describe the escalation of violence and the increase in lethal violence when the batterer perceives that the victim has left or is about to leave the relationship. Victims who leave their batterers are seen to commit the ultimate act of rebellion; the batterer responds by seeking to regain control and domination and will use whatever violence, including lethal violence, that is necessary to succeed. Victims understand that leaving will not bring an end to abuse and domination and indeed may increase their danger.

**Stockholm Syndrome:** Psychological response of some hostages to form significant emotional bonds with a person who has the power of life and death over them. The term was coined after a failed bank robbery in Stockholm. The suspects took several hostages captive and alternated threats to kill with acts of kindness. At the end of the several day ordeal, two tellers testified on behalf of their hostage taker. One bank teller actually married her hostage taker. Some writers have suggested that some battered women form similar attachments with their abusers, such as when the victim focuses on the kindness the batterer showed when he took her to the hospital rather than the attack that necessitated the visit.

### **Code Sections:**

**Evidence Code 402:** Hearing outside the presence of the jury, to determine whether certain testimony will be received at trial. Four issues must be established: 1) the evidence will assist the trier of fact (jury). Evidence meets this prong even if the jury may have some general understanding of domestic

violence. 2) The evidence is admissible. Under Evidence Code Section 1107, evidence on the experience of a battered woman is generally admissible (except to prove that a suspect committed the charged crime) and expert testimony on behaviors generally of persons who have been battered by intimates, to rehabilitate victim credibility attacked by the other side, to overcome commonly held misperceptions of society, and to explain why victims stay, recant, minimize, and blame themselves are often received by the trial court. 3) The evidence is relevant, that is, material to a fact in dispute in the case, typically, victim behavior and credibility. An expert cannot testify that a particular victim is a victim of domestic violence or is truthful; that a defendant is a batterer. Finally, 4) the expert is competent to testify, that is, the witness' qualifications relating to domestic violence.

**Penal Code Section 13710 and 13711:** Terms and conditions of a court order remain in effect notwithstanding the actions of the protected party.