

No Safe Haven

This summer and coming fall, America will face a test of its determination to confront domestic violence. Two tests, really: one, a court case; the other, a piece of federal legislation, each signaling in its own way whether the struggle to ensure women's safety is advancing or in retreat. That struggle—which is as old as Carrie Nation—has made great strides over the last three decades. Domestic violence has been acknowledged and defined, recognized in law, and countered with programs ranging from counseling to shelters to hot lines to enforcement training and judicial reform. As a result, the overall incidence of women being battered or killed by intimate partners has declined or leveled off.

Still, as many as 4 million women are assaulted by spouses or partners each year, and 1,200 are killed. Clearly, the fight is not over.

It certainly isn't over for Jessica Gonzales, whose estranged husband abducted their three children from her front yard one day in 1999 and murdered them, a carnage that might have been prevented had the Castle Rock, Colorado, police department not refused to act on the protective order she'd sworn out. Gonzales sued the town for its negligence; her case reached the U.S. Supreme Court this spring, where the Bush administration weighed in on Castle Rock's side. The arguments were technical legal dissections; left hanging was any consideration of the mayhem in many women's lives if the tool of the restraining order is shown to be without teeth.

That's one test. The second comes when Congress deliberates the renewal of the 10-year-old Violence Against Women Act, which will expire on September 30. Advocates of the successful and popular legislation hope it will be buttressed with enhanced funding but fear its support will be cut.

The stories on the following pages display the enormous ramifications of such decisions. We may no longer live in the era when so many women, deprived of legal, peaceful remedies to the horror of their lives, resorted to the violent remedy forced on Shelley Hendrickson (right). But, as Patricia Prickett, a former adviser to the L.A.P.D., attests, the most effective way to solve the larger problem is still being sought by advocates battling for women's safety. Judging from the casualties, the battle remains to be won.

Shelley Hendrickson
in 1994, one day after
her arrest for the
murder of her husband

THE UNFORGIVEN

By Jennifer Gonnerman

“He’d buy me gifts and flowers. There would be periods when he would treat me like a queen.”

Joe Church had not even planned to

go to his 20th high school reunion. At the last minute, he changed his mind and dropped by the Irish bar in downtown St. Louis, where 70 or 80 classmates from Mercy High School had gathered. Back in the mid-1970s, Joe had been the sort of student who showed up for school late and left early, a regular visitor to the discipline office. By the time of the reunion in the summer of 1997, he had a wife, four children, and a job as a stockbroker at Morgan Stanley.

After half an hour of drinking and mingling, Joe spotted Shelley Povis' cousin. In high school, Shelley had been pretty and popular; she had a spot on the football cheerleading squad and friends in every clique. She and Joe had never been close, but he remembered her as always smiling, always fun to be around.

“Where’s Shelley?” he asked.

“She’s in prison,” her cousin said.

Joe hadn’t seen Shelley since graduation; the news stunned him. What sort of crime could she possibly have committed? Drugs? Bad checks? Shoplifting?

“She killed her husband,” her cousin said.

Joe stayed at the reunion for a couple hours, then drove back to his house in the suburbs. Alone in his car, he tried to make sense of the news. A few days later, he sent Shelley a note and shortly after spoke with her on the phone. Shelley told him that she’d married an alcoholic who had abused her throughout their 14-year marriage. Three years ago, she’d confessed to killing him; a judge had sentenced her to 15 years in prison. “I was really taken aback with the whole thing,” Joe says. “It was just hard to believe that, one, she could kill somebody, and two, under those circumstances she could’ve ended up in prison.”

Eventually, one Saturday, Joe drove two and a half hours across the state to visit Shelley in prison; the next week, back in his office, he started making calls. He spoke with Shelley’s mother, her former

boss, the police. There was no doubt that Shelley had endured many years of beatings. The photos taken by the police after her arrest showed a woman he barely recognized, her face purple and black. “You don’t have to look at those pictures very long to realize that something terrible was happening,” he says. “How does a guy look at her and say, ‘You’re a murderer.’ I just didn’t understand.”

One of the first people Joe called was Colleen Coble, head of the Missouri Coalition Against Domestic Violence. He had dated her one summer when they were teenagers, but they hadn’t spoken in 10 or 15 years. On the phone, he was full of questions about how to launch a clemency campaign: “What are we going to do? How much money do I need to raise? Who do we need to contact?” His zeal did not surprise her. “He has a finely honed sense of right and wrong,” she says, “and in that sense is the good Catholic boy his parents raised.”

Joe moved quickly. He expanded his mission, compiling a list of women who might be good candidates for clemency. Then Colleen got a meeting for them with Governor Mel Carnahan’s legal counsel. They were told that if they could gather more information about these women’s cases, the governor would take a look at them. She contacted local law schools, and the Missouri Battered Women’s Clemency Coalition was created. Soon every law school in the state had joined. Professors took up the cause in legal clinics, assigning students to reinvestigate cases of women who were in prison for killing their abusers.

One of the successes of the domestic violence movement has been its ability to publicize the plight of battered women serving prison time for crimes related to their abuse. Since 1978, the nation’s governors have granted clemency to more than 125 women convicted of killing (or ordering the killing of) their abusers. The largest group of clemencies took place in Ohio in 1990, when Gov-

SHUTTERSTOCK/PHOTOGRAPH

Shelley in 2005, at the prison in Vandalia, Missouri, where she waited nearly five years for news of the clemency petition submitted on her behalf



ernor Richard Celeste commuted the sentences of 25 women, explaining that they were "victims in a profound way and were prevented from giving evidence...essential to a jury's being able to reach a sound verdict." When he was governor of Missouri, John Ashcroft granted clemency in 1992, to two women who said they'd killed their husbands in self-defense.

The subject of domestic violence has receded from the headlines in recent years, but the numbers suggest it's still a major social problem. While services for battered women—including hot lines and shelter beds—have increased dramatically, there are still not enough; 4,237 adults and children were turned away from domestic violence shelters in Missouri last year because there was not enough space, according to Colleen Coble. Even when services are available, some women are too terrified to use them. Fleeing from a batterer can actually increase the violence a woman faces; many of the 1,202 women killed by their husbands or boyfriends in the U.S. in 2002 were murdered after they'd already escaped from their homes.

While Joe Church was the catalyst for Missouri's latest clemency movement, his own priority was always the same: to get clemency for Shelley. Neither he nor the lawyers he had enlisted had any idea how long their fight would go on. All they really had was an unshakable belief that Shelley and many other women who had killed their abusers never deserved the harsh punishments they'd received.

Shelley Povis grew up in St. Ann, a blue-collar suburb west of St. Louis. When she was 17 and a senior at Mercy High, she began dating Rodney Hendrickson. She liked the fact that he was almost four years older. He hung out with her uncle and cultivated a bad-boy persona, growing his hair long and zooming around town on a motorcycle. According to the neighborhood grapevine, he had smacked around his last girlfriend. Shelley's mother, Mickie, tried to dissuade her from dating him, but Shelley wouldn't listen. "He's really not a bad guy," she said.

Shelley and Rodney got married in 1980, when she was 21. She worked as a waitress; he got a job with the gas company. From the beginning, he kept her under surveillance. He would check on her all the time, calling or stopping by her job to make sure she was there. He also paid close attention to her appearance. If he thought another guy was checking her out, he'd get angry. Soon he was picking out her clothes for her—always modest items that would dis-

courage other men. "I thought it was kind of neat," Shelley recalls. "I thought, wow, this guy wants to pick out my clothes. He really loves me."

Rodney was a heavy drinker, and when he got drunk he could become aggressive. Occasionally he would smack Shelley, or grab her and shake her. "A lot of it I thought was my fault," she says. It was impossible to predict when he'd lose his temper. She could be sitting next to Rodney watching television, and the next thing she knew he would be hitting her. After each fight, he apologized and tried to win her back. "He'd buy me gifts and flowers," she says. "There would be periods when he would treat me like a queen."

Eight years into the marriage, Shelley decided she'd had enough of Rodney's drunken rages. By now they had three children. She moved out, taking the children with her.

At first Rodney didn't know where she'd gone, but after four weeks he tracked her down at a shelter for battered women. She walked out the back of the shelter one day, and there he was, sitting in his truck. "You need to come home now," he told her. "If you don't go in there and get your stuff, I'm going to go in and get it." As usual, he made promises about how he had changed, how he was drinking less, how he wouldn't hit her anymore. Shelley and the children moved back into their house.

In the years that followed, Rodney warned Shelley never to run away from him again. "He told me if I ever left again, he would hunt me down," she says. She knew him well enough not to take this threat lightly. When she'd been at the shelter, he'd called her mother all the time, begging for information about where she was. Shelley worried that if she ever left Rodney again, she'd put not only herself and the children at risk, but her mother, too.

She hid these fears from her family, just as she had hidden the evidence of Rodney's abuse. She tried hard to project the image of a happy marriage, avoiding her relatives whenever she had a black eye or a bruise. "When we had a barbecue planned and I talked to her the day before, she'd say, 'Yeah, I'm going to bring the potato salad.' And everything was fine," her mother recalls. "That would be Saturday. And Sunday morning she'd call and say one of the kids was sick, or she was sick, or she just didn't show up."

During the summer of 1993, the Missouri and Mississippi rivers overflowed. It was the most devastating flood in recent history and damaged more than 55,000 homes, including Rodney and Shelley's. The entire interior of their house was destroyed, filled with

slime and river water. Now they had four children and nowhere to live. They moved into Shelley's mother's basement for a few months, then into a tiny apartment, which was all they could afford. The stress mounted. Shelley and the children spent hours in emergency relief lines, trying to get free clothes or building materials. Rodney worked days driving a delivery truck, then at night rebuilding the house.

In November 1993, Shelley got a job as a weight-loss consultant. One day she showed up with a bruise stretching from one ear, across her throat, and all the way to her other ear. Another time her boss saw a dark spot the size of a dinner plate on Shelley's thigh. At first Shelley blamed her own clumsiness, but eventually she told the truth. When her boss urged her to leave Rodney, Shelley said she was afraid that if she did, he would hunt her down and kill her.

Shelley and Rodney moved back into their house in the summer of 1994, after living elsewhere for nearly a year. By now, they never seemed to have any good days anymore. Rodney had stopped trying to woo her back with gifts every time he hit her. "I wouldn't even get an 'I'm sorry,'" she says.

One day in the fall of 1994, he threatened her with a hunting knife. Afterward she hid the knife; Rodney became furious. "He had me up against the wall, choking me, telling me that I better have his knife when he got home from work or he was going to kill me," she says. Shelley pleaded with him to let her leave with the kids, but her words only made him more angry. "None of you are leaving," he said. "I'd rather see you all dead than leave."

Their 11-year-old daughter, Ashley, overheard this argument. After Rodney left the house to go to work, Ashley said something Shelley found very disturbing. "She told me that he would come in and go to the bathroom when she was in the bathtub and watch her," Shelley says.

The following week, on October 29, Shelley drove to Kmart and bought a 12-gauge shotgun.

When police officers walked into the Hendrickson home at 2:45 a.m. on October 31, 1994, they found Shelley in her nightgown, curled up in the fetal position on the floor. She had a swollen eye, a bruise on her forehead, and tears running down her cheeks. Tied to one of her wrists was a piece of rope. Ashley was on the couch next to her; the three other children were in their rooms. In the master bedroom, the officers found Rodney facedown on the

ROE V. LACI

Was Laci Peterson a victim of domestic violence? Some advocates were upset she was not cast as one, while other observers noted that there was no evidence that Scott Peterson had abused his wife prior to killing her, and that not all homicides between intimates are a result of the same pathologies that cause domestic violence. Still, one-third of pregnant women who die are murdered—making homicide second only to traffic accidents as a cause of death for expectant mothers. The reasons aren't entirely understood, but experts point to the economic and emotional stress associated with expecting a child. Whatever the reasons, 40 percent of the time battering begins during a woman's first pregnancy, and 324,000 pregnant women are battered each year. New mothers remain at heightened risk, particularly if they're young; one study found that 26 percent of new mothers under 18 experienced partner violence in the first three months after they gave birth.

The homicides are probably underestimated. As of 2002, only 17 states noted pregnancy status on death certificates, and CDC and FBI homicide statistics didn't capture the data either. Following a 2002 GAO report noting the problem, the CDC revised its standard death certificate guidelines to include pregnancy status, prompting at least two states to follow suit.

But pro-choice advocates are worried that exploring the connection between pregnancy and homicide could erode abortion rights. In March 2004, Congress passed Laci and Conner's Law, which allows independent charges to be brought against those who hurt or kill an unborn child during an assault on the mother. Anti-abortion advocates see the law as an important step in granting a fetus full legal personhood. Ken Connor, then president of the Family Research Council, asked, "It's not okay for the husband to kill his wife's child, but it's okay for the mother [to have an abortion]?" In Colorado, where legislators recently approved a bill to amend death certificates to include pregnancy status, most Democrats were opposed, which pitted them against Republicans (as usual) and domestic violence advocates (as a consequence). —Elizabeth Gattelman

bed. Blood spattered the wall next to him. One of his eyeballs was on the floor. There was a gunshot wound in the back of his head.

At first Shelley insisted a pair of masked men had broken in, tied her to the bed, and shot Rodney. Three hours later, hunched over a table in an interrogation room at the police station, she confessed to the murder. Earlier that night, she explained, after the children had gone to sleep, Rodney had grabbed her by the hair, smashed her head against the headboard, and tied her wrists to the bed. Then he raped her. After he fell asleep, she'd freed herself and reached under the bed to get the shotgun.

An autopsy later revealed that at the time of his death Rodney had a large amount of cocaine in his system. The police found the shotgun in the basement, in a portion still filled with water from the flood 16 months earlier. They found the rest of the ammunition in another part of the basement, hidden in a box with Christmas lights.

During the police interrogation, Shelley admitted lying about more than just the masked men. Two days earlier she'd called 911 and made a false report, claiming that someone had stolen her new shotgun. She had fabricated this story, she insisted, to steer Rodney off course if he found out she'd purchased a weapon. Why had she decided to buy a gun in the first place? "To protect myself," she said.

The masked men, the stolen gun, the false report she filed with the police—all of these made-up stories undermined Shelley's credibility in the minds of the officers. "Based on these circumstances, I



Joe Church, Shelley's friend and advocate, in his Morgan Stanley office

FOR STATISTICS, SOURCES: SEE WWW.MOTHERJONES.COM/DOMESTICVIOLENCE. PHOTO BY SUZAN METTELAR/MAGNUM

5.3
MILLION

NUMBER OF TIMES
AMERICAN WOMEN ARE
ABUSED OR STALKED
BY AN INTIMATE PARTNER
EACH YEAR

555
THOUSAND

NUMBER OF SERIOUS
INJURIES CAUSED BY
DOMESTIC ABUSE

145
THOUSAND

NUMBER OF WOMEN WHO
ARE HOSPITALIZED FOR
THOSE INJURIES

12
HUNDRED

NUMBER KILLED

37

PERCENTAGE OF WOMEN
MURDERED BY AN INTIMATE
PARTNER WHO VISITED
AN ER IN THE TWO YEARS
PRIOR TO THEIR DEATHS

44

PERCENTAGE OF WOMEN
MURDERED BY AN INTIMATE
PARTNER WHO VISITED
AN ER IN THE TWO YEARS
PRIOR TO THEIR DEATHS

73

PERCENTAGE OF DOMESTIC
VIOLENCE INCIDENTS THAT
GO UNREPORTED

61

PERCENTAGE OF THESE
INCIDENTS UNREPORTED
BECAUSE VICTIMS "THINK
THE POLICE WON'T
BELIEVE" THEM

31

PERCENTAGE OF ALL FEMALE
HOMICIDE VICTIMS IN THE
U.S. SLAIN BY THEIR
HUSBANDS OR BOYFRIENDS

11

PERCENTAGE OF ALL MURDER
VICTIMS KILLED BY AN
INTIMATE PARTNER



Path to prison: Shelley in the 1980s with her husband, Rodney, and first child; in her cheerleading uniform in 1972; and on the day of her arrest in 1994.



told Michelle that I was having a hard time believing anything she told me," one sergeant wrote in his report. To someone who knew her history of abuse, Shelley's fabrications might have looked very different—evidence of her desperation as she increasingly felt her life was in danger.

Shelley was taken to the county jail and charged with first-degree murder. Her bail was set at \$1 million. Six weeks later, during a preliminary hearing, an expert on battered women testified that Shelley had endured nearly 20 years of abuse and that she was not a threat to society. In another county, a better understanding of the psychology of domestic violence victims (combined with the way Shelley's face looked when she was arrested) might have convinced the prosecuting attorney to charge her with a less serious crime—manslaughter, say, instead of murder. But the prosecutors in St. Charles County, a conservative area outside St. Louis, did not budge.

Shelley's children—ages 11, 8, 7, and 5—moved in with one of Rodney's sisters. Shelley's first choice, her own sister, had no room in her house since she already had five children of her own. Shelley spent the next two years in the county jail, trying to figure out what

to do. If she went to trial and lost, she'd likely spend the rest of her life in prison. In the end, she decided to plead guilty to second-degree murder in exchange for a 15-year prison sentence. She would be eligible for parole in about 13 years. By then all four of her children would have grown up without her.

Professors and students at four law schools across Missouri worked throughout most of 1999 and 2000 preparing clemency applications. They sorted through dozens of cases and came up with 11 women they thought were good candidates. All met the same criteria: They had a history of domestic violence; they had been convicted of killing (or ordering the killing of) their batterers; they had received lengthy prison sentences; and they had exhausted all their legal appeals.

Of the 11 women, 5 had life sentences, 3 had to serve 50 years before they were eligible for parole, 1 had a 20-year sentence, and 2 (including Shelley) had received 15 years. The clemency petitions contended that the "presence of prolonged and sustained abuse" should have reduced the women's culpability in the eyes of prosecutors and resulted in less severe punishments.

"These women are not what have been described as your 'typical murderers,'" wrote Jane Aiken, a professor at Washington University School of Law, in a legal brief filed with the petitions. "They did not act with 'cold hearts': their acts are better characterized as final acts of desperation in the context of severe physical and sexual violence inflicted upon them."

In this clemency campaign, Shelley played a crucial role. She recruited many of the women, including her friend Carlene Borden, who'd been locked up since 1978 in connection with her boyfriend's murder of her abusive husband. Of the 11 women represented by the team of law professors, Carlene had been imprisoned the longest. Another candidate was Ruby Jamerson, who had been sent to prison in 1989 for asking her son and his friend to kill her abusive husband.

Much has changed since the 1970s and 1980s, when Carlene and Ruby were convicted. Now police officers are more likely to arrest an abusive husband when his wife calls the police. When a woman is charged with killing her batterer, the defense team often includes an expert on domestic violence. And judges are much more likely to allow testimony about past abuse. Indeed, as the clemency petitions pointed out, women accused of killing their abusers in the 1970s and 1980s would likely receive less prison time today for the same crime.

To bolster Shelley's clemency application, her legal team collected 21 letters of support from members of her family and 36 from friends and former classmates at Mercy High. Nobody from Rodney's family wrote on her behalf, but Rodney's sister-in-law Melissa did write to Shelley's lawyers, trying to dissuade them. "The fact of the matter is that Michelle Hendrickson is a murderer," she wrote. "I don't feel that after planning and premeditating a murder and shooting her husband in the head with a deer slug that she should be released after just 6 years."

In the summer of 2000, Governor Carnahan was running for a seat in the U.S. Senate. Hopes were high that he might grant clemency to a group of women right before he left office, when elected officials are more likely to make this sort of politically risky decision. Then, on October 17, 2000, Carnahan died in a plane crash. The possibility that Shelley and the rest of the women would be let out of prison early suddenly seemed much less likely.

The team of law professors pressed on, turning their focus to Carnahan's replacement, Lt. Governor Roger B. Wilson, who filled the top spot for 83 days. On the last day of Wilson's short term, Shelley's lawyer, Marie Kenyon, traveled to Jefferson City. "I followed his chief lawyer around the Capitol building the whole day, bugging him," says Marie, an adjunct professor at Saint Louis University School of Law. "He was in his office, wrapping up his plaques, putting them in boxes, explaining to us why this wasn't going to happen."

Robert Holden succeeded Wilson as governor in January 2001, and nearly four years later, at the end of his term, the coalition fi-

nally had its first success. Holden commuted the sentences of two women represented by the coalition: Shirley Lute, 74, who had been locked up for 23 years, and Lynda Branch, 52, who'd been in prison for 18 years. Holden's decision enabled them to go before the parole board this year; they are expected to be released soon.

At the end of 2004, Shelley received a letter stating that her request for clemency had been denied. There was no explanation. Now she must wait three years before she can reapply. "That's one of the ridiculous things about this case," says Marie. "It literally sat on the governor's desk for almost five years, so that was five years of wasted time."

One morning this spring, Shelley, who is now 45, told her story to a reporter while seated in the parole room at a prison in Vandalia, Missouri. She wore a gray inmate uniform and two crosses, one on a chain around her neck and another pinned to her collar. She still has curly blond hair, but now it's thinner on top. Both her mother and grandmother had breast cancer, and two years ago Shelley discovered a lump in one of her breasts. She recalls that it took her five or six months to get treatment. Joe and her mother called the prison regularly, trying to speed up the process. "You could be jeopardizing her life," Joe would say. Eventually Shelley had a lumpectomy, then chemotherapy and radiation.

These days, Shelley no longer sees bruises or black eyes when she looks in the mirror, but she can still see faint scars on her wrists, reminders of the rope burns she got when Rodney tied her to the bed. Though 11 years have passed since that last night with him, the memories are fresh in her mind. "I can still smell the smells," she says—sweat, gunpowder, blood. "And I can still hear

the sounds. I can still feel the hits. I can still feel every time my head hit that headboard. I can still feel the burns on my wrists."

From behind the walls of prison, she tries to be a mother to her children, who are now 22, 18, 17, and 15. She calls them every Sunday evening at Rodney's sister's house, and her mother brings the youngest one to see her every month. But more than a year has passed since Shelley last saw her oldest child, Ashley. A few years ago, Ashley got into an abusive relationship, started using drugs, and got arrested. "Nobody knew where she was for over a year," Shelley says. "She was living in a car." The hardest part of being locked up, says Shelley, has been watching her kids struggle without her.

To boost Shelley's spirits, Joe reminds her of what they've accomplished over the last eight years: Two women will soon be freed, including 74-year-old Shirley Lute. "This lady was destined to die there," Joe says. "As I keep telling Shelley, had she not gone to prison, there's a good chance Shirley Lute may never have gotten out." Joe is planning a barbecue this summer to celebrate Shirley's release.

Shelley is not eligible for parole until 2007, when she will have served 85 percent of her sentence. Most likely she will leave behind Carlene, Ruby, and the rest of the women who joined the clemency campaign. Unless a sympathetic governor intervenes, they are destined to grow old in prison. ■

THE COUNSELOR

By Sara Catania



"They just wouldn't take it seriously. He kept saying he was going to kill her, and by God he did."

Patty Prickett sat in her office in the West Los Angeles police station, trying not to cry. With her were a five-year-old boy and his younger sister, a week shy of her fourth birthday. The children did not know yet that their mother was dead. Six months earlier the woman had come to the station seeking safety. Her husband, she said, was unemployed and had been drinking heavily. When she refused to have sex with him he had attacked her, prevented her from calling for help, and held her captive in their home, blocking the bedroom doorway when she tried to flee.

Prickett, then head of the domestic abuse response team at the station, had accompanied the woman to court to secure a restraining order and advised her to quit her job, pull the children out of school, and leave home. The woman agreed, and Prickett located a scarce spot for the family in a shelter. "That is a very hard thing for a woman to do," she says. "To go into hiding while her batterer is running around free."

The woman was grateful for a respite from the constant threat of violence. But cut off from work and the emotional support of family and friends, she and the children soon became depressed. They left to stay at a relative's, where her husband quickly found her. She moved repeatedly, but he always tracked her down. Over the next six months her husband violated the court order many times—the woman filed at least six police reports recounting escalating incidents of death threats, stalking, and harassment. Prickett pressed the police and the Los Angeles city attorney's office to take action. Nothing happened. "One day he came and got her," Prickett says. "The kids saw them leave." Later that day the woman was found strangled to death with a belt. "She did everything right and the system wouldn't protect her," says Prickett. "They just wouldn't take it seriously. He kept saying he was going to kill her, and by God he did."

The murder that confronted Prickett in 2001 bears an eerie re-

semblance to the crime at the heart of *Castle Rock v. Gonzales*, a bellwether domestic violence case recently considered by the U.S. Supreme Court. In that case, a husband abducted three children from his estranged wife's custody, but when his wife, who had obtained a protection order for herself and the children, alerted police, they repeatedly put her off, telling her to call back later. That night the husband arrived at the police station and opened fire. He was shot and killed by police, who then discovered the children, dead in his truck. The question before the Court was what action, if any, the police are obligated to take when confronted with the violation of a restraining order. Every state now provides such civil protection orders to victims of domestic violence, and they are considered a basic tool in shielding victims from their batterers. But in both the West Los Angeles murder and the case before the Supreme Court, as well as in numerous cases across the country each year, the orders fail to fulfill their promise, and victims are subjected to harassment, beatings, and death.

For Prickett, the 2001 murder in West Los Angeles marked the nadir of her career as an advocate. For 15 years she has been on the front lines of the battle against domestic violence, counseling both batterers and victims, fighting to find funding for programs that lock up abusers and keep victims safe, and growing increasingly frustrated with a legal system ill-equipped to handle the problem's complexity. Over the years she has shifted her focus several times, in each instance retrenching from burnout and from an approach she felt wasn't working. Her trajectory parallels that of the battered women's movement, as the euphoria of identifying a seemingly simple goal of safety succumbed to the realization that neither the end, nor the means of achieving it, was going to be easy. "The whole battered women's movement is set up to get women to leave their abusers," she says. "When they leave, we tell them we'll protect

them, so what happens when we don't?"

Each year between 1 and 4 million women in the United States are victims of domestic violence, and 31 percent of women slain in this country are murdered by husbands, boyfriends, or exes—the majority killed after attempting to leave an abusive relationship. The fact that such statistics are routinely compiled and readily available is a testament to the mainstreaming of an issue that was barely acknowledged in the popular consciousness three decades ago. Since the 1970s, when domestic violence activism first emerged as an outgrowth of the women's movement, proponents have won dramatic changes in policy, leaps in social awareness, and major infusions of cash from state and federal government.

But sustained institutional change requires vigilance, and the police indifference that greeted the murder in West Los Angeles illustrates a larger flaw in the evolution of the movement itself. What began as a scrappy, grassroots effort has become a bureaucratized entity allied so closely with the criminal justice system that it has sacrificed much of its ability to effectively critique that system and push for reform. "Twenty-five years ago we had a notion that we were organizing to change the system," says Ellen Pence, a founder of the Domestic Abuse Intervention Project in Duluth, Minnesota, a leader of the national movement. "Then this funny change happened, where instead of us advocating for what women needed from the system, we started advocating the system to women. There has to be a new confrontation of what's going on."

Prickett believes that lack of confrontation, and of any larger consequence for police inaction, enabled officers to brush off her warnings about the homicidal batterer in 2001. "What they will say, what they always say, is you never know which ones are going to wind up killing someone," she says. "But there are signs, and once you see them, you have to act, and you have to be aggressive. Otherwise women are going to keep on getting hurt and getting killed." After the woman's death, Prickett heard that the husband had been seen hanging out at a bar near the scene of the crime. She begged the cops to stake it out. They refused. He was never apprehended.

The West Los Angeles police station guards a geographically and economically diverse region spanning 65 square miles, encompassing no-frills apartment complexes and some of the most affluent addresses in the city, like Pacific Palisades and Brentwood, the neighborhood where Nicole Brown Simpson was murdered in 1994. The precinct boasts the lowest crime rate in the city and, partly as a result, officers and advocates say, the station is resistant to change. "People here think they're doing just fine," says Rashad Sharif, a senior lead officer at the station and a friend of Prickett's. "They say, 'If it ain't broke, don't fix it.'"

Prickett set up shop at the police station in 1998 under a four-year, \$540,000 program funded by the Violence Against Women Act. That landmark legislation, passed by Congress in 1994, provides essential funding for hundreds of criminal justice programs that now undergird battered women's advocacy nationwide. Prickett's program was intended to educate officers, help victims get access to services, and increase arrests and prosecutions of batterers. Though the funding was awarded to the police department, Prickett came in as an advocate, a stance that fueled an adversarial dynamic between her and a station considered within the local advocacy community as one of many mired in a "good old boy" culture.

Prickett confronted the station's disregard the day she reported to work and was shown to her office—a former holding cell, complete with iron bars and a concrete floor. A detective told her dismissively that "rich men don't beat their wives." Undeterred, Prickett sponge-painted the walls peach, carpeted the floor with remnants, and tacked up posters of Sojourner Truth and Rosa Parks. On the

BASE CRIMES

At North Carolina's Fort Bragg this February, Army Special Forces trainee Richard Corcoran got mad at his estranged wife, Michele. He'd gotten mad before, but this would mark the sixth and final time the Cumberland County Sheriffs Department would be called to break up a "domestic disturbance" between Corcoran and his wife. At 8:30 p.m. Corcoran arrived at his wife's house and went after 30-year-old Michele with a gun, firing at her as she fled to a neighbor's. (She was wounded but survived.) He shot and wounded another Fort Bragg soldier who was in the house and then shot and killed himself—all while his seven-month-old daughter lay in another room.

He joins a band of brothers. Corcoran's is the 10th fatality in a slew of domestic violence homicides involving Fort Bragg soldiers since 2002: in one six-week spree four Army wives were murdered by their husbands or ex-husbands. Including nonfatal incidents, there were 832 victims of domestic violence between 2002 and 2004 at Fort Bragg alone, according to Army figures.

And yet Corcoran's attack stands out. Not only had he just attended a mandated anger-management class on-post that same afternoon—calling into

question the efficacy of these sessions that the Army considers the cornerstone of its domestic violence treatment program—but Corcoran had a past that should have kept him out of the Army in the first place: He had been indicted for rape at the age of 19.

On March 1, 1989, in the town of Glen Ridge, New Jersey, Corcoran and six other high school athletes sexually assaulted a retarded girl with sticks and a baseball bat. Corcoran, like all the boys, admitted being present but insisted he just watched. Four of the boys were tried and convicted in a grueling five-month trial. Three days before Corcoran's trial was slated to begin in 1994, the victim's parents decided it was not in their daughter's best interest to pursue another trial. The case against Corcoran, son of a Glen Ridge police lieutenant, was dropped.

Several years later, Richard Corcoran joined the Army.

The military has a domestic violence problem—or, as the Army calls it, a "spousal aggression issue." Sometimes, when soldiers have just returned from a war zone—like Corcoran, who had spent eight months in Afghanistan—the media speculates that post-traumatic stress may be to

blame. This seems somewhat specious. The Defense Department doesn't break down pre- and post-deployment figures, but the fact is that rates of domestic violence in the military have been high for years—two to five times higher than among civilians, depending on which study is consulted.

In the 1990s, the military quietly watched as its domestic violence rates shot up from 19 per 1,000 soldiers in 1990 to 26 per 1,000 soldiers in 1996. After three soldiers stationed at Kentucky's Fort Campbell were charged with killing their wives or girlfriends, an alarmed Congress appointed a task force to investigate and make recommendations. Last year, according to DoD figures, there were 16,400 cases of domestic violence reported, with 9,450 of them substantiated. That's still a rate of 14 cases for every 1,000 couples, compared with 3 per 1,000 among civilians. And consider that many soldiers spent all or part of last year deployed and thus physically separated from their spouses.

The military admits it has a problem but points out that its population is disproportionately young and poor—and, statistically, domestic violence is higher among such civilians, too. (Whether that's because the young and poor—more likely to come into contact with the system

via shelters, social services, and the courts—are just overcounted is hotly contested among experts.)

Meanwhile, domestic violence advocates assert that the military's numbers are even higher than the DoD says. If military spouses live off-post—as 60 percent do—and call the local cops or shelter for help, they might not show up in the military's statistics. Further, the military defines domestic violence narrowly: It has only counted incidents against a current, legal spouse—and half the 1.5 million enlisted soldiers are unmarried, divorced, living with girlfriends, dating, or busy "not asking or telling."

Twenty years ago when the military did its domestic violence training, it was not unusual to call it a "relationship issue" and hand it over to therapists to sort out. Even today, batterers in the military are typically ordered into anger-management classes and couples counseling—both considered largely ineffective by most civilian experts.

"These anger-treatment models are not very successful because this is not an illness, it's an attitude. It's about people feeling like they're entitled to do this to their wives," says attorney Juley Fulcher, who worked on the issue for years at the National Coalition Against Domestic Violence. "The

day you start seeing these guys go after their commanding officer because they're pissed off and they can't control their anger, we'll rethink our theory," she adds.

According to Deborah Tucker, who heads the National Center on Domestic and Sexual Violence in Austin, Texas, and cochaired the Defense Task Force on Domestic Violence, the military is making progress on the issue. In 2003, it agreed to adopt 194 of the task force's 200 recommendations to improve services for victims and beef up offender accountability. Still, two years later many have yet to be implemented and that troubles her, though she adds that "some argue that what's been done already is much faster than usual [for the military]."

Meanwhile, the military faces new scandals over sexual harassment in its ranks, rape at the Air Force Academy, and reports on the high numbers of sexual assaults against its female soldiers. These are behaviors that exist on a continuum with domestic violence, explains Tucker. "To eradicate domestic violence in the military—and the United States of America—will take a cultural shift that condemns violence as criminal behavior and does not excuse it because of the comportment of the victim, the alcohol or drug abuse of the offender, the stress the offender is

under, or even how sorry the offender is afterwards," says Tucker. She insists that military brass must lead the charge if change is to trickle down from the base commanders to the recruiters trawling the local mall.

For evidence that this has yet to happen, one need only consider Richard Corcoran's career trajectory. Army recruiters might have suggested that even if the teenage Corcoran had just watched the assault in the basement on that winter day in Glen Ridge—as so many soldiers at Abu Ghraib apparently also just "watched"—the fact that he did nothing to stop it is not in keeping with core Army values of honor and integrity. Call it a tip-off that this prospective soldier lacked respect for women—and perhaps the law.

But maybe the Army didn't know about the rape?

"Sure they knew," says Essex County prosecutor Robert Laurino, who tried the first Glen Ridge case. One recruiter even came to meet with Laurino. "Are you aware of this fellow and what his background is?" Laurino recalls asking, shocked that the Army was recruiting Corcoran.

"Yes," the recruiter told Laurino. "That's just the kind of guy we want to turn into a man."

—Karen Houppert

weekends when she went to political protests, she made a point of hugging any police officers she recognized. "They never quite knew what to make of that," she says, laughing. "But I wanted them to see things from a different perspective, to see the crowd as people."

At the station, she and her staff of five held marathon training sessions on rape, on determining the dominant aggressor in domestic violence situations where both individuals are injured, and on writing effective reports, crucial because "the chances of getting a victim to testify are slim to none," she says. "That initial report has to be of detective caliber so that it can stand alone in the prosecution."

Prickett wrote manuals for the officers, passed out pocket-size how-to-identify-a-batterer guides, and went out on more than a

thousand domestic violence calls. She or one of her staff members was on duty, in a police car accompanied by officers, from 6 p.m. to 2 a.m. five nights a week. "When I first started, the last thing I wanted was to be part of a responder team," she says. "I mean, 2 a.m. in a black-and-white? Give me a break. But as time went on I realized that was the way to go. You can really intervene and help the woman get hooked up to services before she gets spooked."

Whatever Prickett's success in the field, her suggestions back at the station fell on deaf ears. "Everything I would write up, they would sort of laugh at me and pat me on the head and tell me why we couldn't do it," she says. "I was like, 'What do you mean we can't do it? Fresno P.D. is doing it.' They'd say, 'Well, we just don't do that.'"

8.8
MILLION

NUMBER OF CHILDREN WHO WITNESS DOMESTIC VIOLENCE EACH YEAR

30

PERCENTAGE BY WHICH BEING ABUSED AS A CHILD INCREASES THE CHANCE OF BEING ARRESTED FOR VIOLENT ACTS AS AN ADULT

2

FACTOR BY WHICH CHILDREN OF AN ABUSED PARENT ARE MORE LIKELY TO BE ABUSED THEMSELVES

29

PERCENTAGE OF AFRICAN AMERICAN WOMEN VICTIMIZED BY DOMESTIC VIOLENCE AT SOME POINT IN THEIR LIVES

38

PERCENTAGE OF NATIVE AMERICAN WOMEN VICTIMIZED BY DOMESTIC VIOLENCE AT SOME POINT IN THEIR LIVES

25

PERCENTAGE OF SAME-SEX PARTNERSHIPS THAT ARE MARRIED BY DOMESTIC VIOLENCE

15

PERCENTAGE OF ALL DOMESTIC ABUSE VICTIMS WHO ARE MEN

1.8
BILLION

VALUE, IN DOLLARS, OF WAGES AND PRODUCTIVITY LOST TO DOMESTIC VIOLENCE

8
MILLION

WORKDAYS LOST BY DOMESTIC VIOLENCE VICTIMS EACH YEAR—EQUIVALENT TO 32,000 FULL-TIME JOBS

4.1
BILLION

DOLLARS SPENT YEARLY ON MEDICAL AND MENTAL HEALTH CARE AS A DIRECT RESULT OF DOMESTIC VIOLENCE

Michael Hillmann, a captain in West L.A. during part of Prickett's tenure, says the station was supportive of the program, but that domestic violence calls often lose out to more pressing crimes. "In the grander scheme of things, reduction of homicides and the ability to save the lives of people subject to drive-bys is a competing priority," says Hillmann, now a deputy chief supervising drug and gang operations. "We're trying to balance all that. To take police officers out of the field and put them with a domestic violence program means that we have one less officer in a position where they are able to prevent a shooting or some other type of crime."

Multiple studies have found that when a coordinated model is properly applied, domestic violence-related homicides and felony assaults fall by as much as half. "I don't think the criminal justice system can get rid of wife-beating," says Pence. "But if everyone is very aggressive and very consistent, it makes an enormous difference." Yet sustained results have proved elusive. In 1977, Los Angeles became

Prickett stopped counseling batterers because, she says, "there has to be desire for change. That's why jail works. Sometimes the only desire is to stay out of jail." Prickett, who is 58, divorced, and the mother of two grown sons, never imagined she'd wind up as an advocate for battered women. She came of age in the 1960s and 1970s, dividing her energies among the antiwar movement, the environment, and

lefty political campaigns. Her manner is both direct and disarming, and she frequently employs a mischievous humor that challenges social taboos—at one point she and some friends started a group called Tough Women Against Toxics, wearing T-shirts with the acronym on prominent display. "We'd go to nice parties and watch people's responses," she says with a raspy smoker's laugh. "They'd start off like, 'Oh that's great,' and then they'd be like, 'Oh.... Oh.... Oh.' And then they'd run away."

Meanwhile, domestic violence was gaining ground with women's rights activists and in the courts, especially after a 1978 New York court case, *Bruno v. Codd*, in which 12 battered women seeking damages for inadequate police response provided affidavits detailing gruesome accounts of abuse. The court sympathized with the women and expressed dissatisfaction with the police. "It was the first judicial airing of what was wrong with the way society responds to battered women, and how out of date it is," says Meier, who is director of the Domestic Violence Legal Empowerment and Appeals Project. "It was very powerful in bringing the truth to light."

For the next decade, the movement continued to grow, manifested mostly by the emergency shelters and hot lines that were established. In 1983, the problem entered the mainstream when *Time* featured a graphic cover photo of a battered woman. "That was a measure of where we were then," Meier says. "It wasn't talked about, and it wasn't understood. All of us who were interested in the field

movement to address the burgeoning resistance associated with the men's rights movement, the legal challenges being mounted on behalf of batterers by the defense bar, and entrenched resentment and apathy within the criminal justice system itself.

"There's a huge backlash right now," says Susan Millmann, a legal aid attorney who heads the L.A. Domestic Violence Task Force. "There are many, many people who are trying to turn back the clock." Millmann finds Prickett's experience in West Los Angeles unsurprising. There, as in many police stations around the country, line officers have little incentive to embrace an effective approach without a push from the top. "The officers say what they're supposed to say," Prickett says. "That is, 'You don't decide whether to prosecute, ma'am, the state prosecutes.' And then they put some detective on the phone. We had one guy who spent more time talking victims out of prosecuting, which is totally against policy. But as a civilian, you can show L.A.P.D. their own penal code and their own policy manual and it doesn't matter unless you've got backing from the captain. Somebody has to care."

Patricia Prickett, who is 58, divorced, and the mother of two grown sons, never imagined she'd wind up as an advocate for battered women. She came of age in the 1960s and 1970s, dividing her energies among the antiwar movement, the environment, and lefty political campaigns. Her manner is both direct and disarming, and she frequently employs a mischievous humor that challenges social taboos—at one point she and some friends started a group called Tough Women Against Toxics, wearing T-shirts with the acronym on prominent display. "We'd go to nice parties and watch people's responses," she says with a raspy smoker's laugh. "They'd start off like, 'Oh that's great,' and then they'd be like, 'Oh.... Oh.... Oh.' And then they'd run away."

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went and snatched up all the copies."

It was around that time that Prickett, weary of the constant hustle of activism, changed course. Her father had been a Marine and had spent three and a half years in a Japanese prison camp during World War II. He didn't talk much about his ordeal, but what he did describe—being kept immobile in a hole for a month, eating raw flour until he threw up—moved and disturbed her. "I was always interested in the concept of abuse of power," she says. "I felt like it was time to take that on."

She went back to school for a master's in clinical psychology, intending to become a marriage and family therapist. Mindful of her father's experience, she sought out course work on abuse, which in a family setting included domestic violence. What she found dismayed her. The only related writing focused on sexual abuse, and it placed the blame squarely on the victim.

Beyond the confines of the classroom, the social landscape was changing. In 1984, more than 200 battered women created the Power and Control Wheel, a diagnostic tool describing abusive behavior patterns. The wheel has since become the talisman of the therapeutic model for addressing domestic violence and is still widely applied. Domestic violence had also gained enough recognition that courts began ordering counseling for abusers, and Prickett found an internship at a community clinic in Los Angeles that ran such a group. "The batterer thing appealed to me partly because at the time nobody else wanted to do it," she says. "And I was attracted to the idea that if you could do good work with them you would have an impact on a lot of people, as opposed to working with survivors, where it's one at a time."

Batterers' groups were seen as the humane antidote to abusive behavior. But a series of studies called into question whether they actually altered the way men viewed their actions enough to prevent them from repeating the abuse. In 1984, a study conducted by the Minneapolis Domestic Violence Experiment found that batterers are half as likely to commit repeat violence within six months if they serve jail time. In 1987, in a landmark case called *Thurman v. City of Torrington*, a federal district court awarded a battered wife \$2.3 million after police refused to arrest her husband. This case, along with the Minneapolis study, spurred a wave of tough arrest laws around the country, begetting an uneasy alliance between the battered women's movement and the traditional advocates of law and order.

At first, Prickett believed that counseling alone might work. Eventually she, too, concluded that it could be effective only if men attended for several years—in conjunction with jail time. "There has to

A NEW ORDER IN THE COURT

An estimated 73 percent of domestic violence assaults go unreported, largely because of women's lack of faith in the system, according to the National Institute of Justice. Filing a report means dealing with a justice system that forces women to testify, bounces them between multiple courtrooms, and leaves them vulnerable.

In response, some 300 integrated domestic violence courts have sprung up in at least 23 states across the country. While the structure of courts varies based on state and local needs, they all use a "one family, one judge" model. Each victim is provided an advocate, and a dedicated judge and team of prosecutors see each case from beginning to end, dealing with whatever criminal charges, protection orders, and custody and divorce matters arise.

Recognizing that one of the biggest barriers to convictions is that victims are scared or reluctant to testify against their abusers, such courts have stretched the evidentiary rules—a move that has proved highly successful (and somewhat controversial). Faced with victims unwilling to testify, the courts use exceptions to the hearsay rule and admit evidence like calls to 911 or domestic incident reports, sometimes in the place of testimony.

New York, an early pioneer of the effort, now has 30 such courts throughout the state. The first, the Brooklyn Felony Domestic Violence Court, opened in 1996, and, according to the Center for Court Innovation, eight years later "not a single victim linked to an open case has been killed," the number of victims assigned advocates has doubled to nearly 100 percent, and the dismissal rate has been cut in half. Conviction rates have risen slightly while guilty pleas are way up, suggesting that prosecutors were able to build more substantial cases, leading to more plea bargaining.

Defense attorneys complain that concern for the victims has come at the cost of the basic legal rights of the defendants, who in some courts are not permitted to ask questions of their accusers. Last year, in *Crawford v. Washington*, the U.S. Supreme Court made a broad ruling regarding hearsay evidence that asserted the rights of an accused to "be confronted with the witnesses against him."

It remains to be seen how the *Crawford* decision will affect the evidentiary latitude domestic violence courts have been developing. Keeping the rights of victims paramount is key to their success, say advocates. In conventional courts, "batterers can manipulate the criminal justice system and use those tools against battered women," says Beckie Masaki, director of the Asian Women's Shelter in San Francisco. If domestic violence courts continue to spread, perhaps the number of women with faith in the system will grow as well. —Elizabeth Gettelman

be desire for change on the part of the batterer," she says. "That's why jail works. Sometimes the only desire is to stay out of jail."

While Prickett immersed herself in batterers' counseling, O.J. Simpson, an alumnus of court-mandated counseling programs, went on trial for the murder of his ex-wife, Nicole Brown Simpson. The trial achieved what 20 years of activism had not, legitimizing battering as a crime category and persuading millions of Americans that domestic violence was not solely an issue for the poor and drug-addled. Lynn Rosenthal, director of the National Network to End Domestic Violence, was running a shelter at the time. By 1995, the year of the trial, calls for help had soared by 40 percent. "The O.J. case changed our work forever," Rosenthal says. "We had to rush to keep up, and we're still catching up."

The year before, Congress passed the Violence Against Women Act. Many states enacted civil protection

(continued on page 88)

66

PERCENTAGE OF PEOPLE
KILLED BY AN INTIMATE
PARTNER WHO ARE SHOT
WITH A GUN

71

PERCENTAGE REDUCTION
IN NUMBER OF MEN
MURDERED BY INTIMATES
FROM 1976 TO 2002

25

PERCENTAGE REDUCTION
IN NUMBER OF WOMEN
MURDERED BY INTIMATES
FROM 1976 TO 2002

1

RANK OF DOMESTIC VIOLENCE
AMONG CAUSES OF
HOMELESSNESS IN 44 PERCENT
OF CITIES SURVEYED

40

PERCENTAGE OF ABUSIVE
RELATIONSHIPS WHERE
ASSAULTS BEGAN DURING THE
WOMAN'S FIRST PREGNANCY

2

FACTOR BY WHICH A
PREGNANT WOMAN IS MORE
AT RISK OF BEING
BEATEN THAN A WOMAN
WHO IS NOT PREGNANT

2

RANKING OF HOMICIDE
AS THE CAUSE OF DEATH
AMONG PREGNANT WOMEN

26

PERCENTAGE OF MOTHERS
UNDER 18 WHO EXPERIENCE
DOMESTIC VIOLENCE WITHIN
THREE MONTHS OF THEIR
CHILD'S BIRTH

48

DOLLAR AMOUNT BY WHICH
FEDERAL FAMILY VIOLENCE
PREVENTION SERVICES
PROGRAMS WERE
UNDERFUNDED THIS YEAR

1

NUMBER OF CALLS TO
THE NATIONAL DOMESTIC
VIOLENCE HOTLINE
SINCE 1996