

FAMILY VIOLENCE
CJ 483
Fall 2007

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C-115

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CJ483.01 meets from 9:30 a.m. to 10:50 a.m. in Room A209

CJ483.02 meets from 2:00 p.m. to 3:20 p.m. in Room C104

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TEXTS: Angela Browne. *When Battered Women Kill*. New York: The Free Press, 1987.

Robert Davidson. *Fighting Back: A Battered Woman's Desperate Struggle to Survive*. New York: Ballentine, 2000.

Patricia Evans. *The Verbally Abusive Relationship: How to recognize it and how to respond*. (Second Edition). Avon, MA: Adams Media Corporation, 1996.

Mike Proctor. *How to Stop a Stalker*. Amherst, New York: Prometheus Books, 2003.

ISBN: 1-59102-0913 (paperback).

Note: The book *Fighting Back* is out of print. The bookstores may have some used copies as we just used the book this past summer session. Students are responsible for acquiring a copy of the book. Many copies are available at other bookstores, on Amazon.com, and other online sources. Students may also want to share a copy of the book.

PROFESSOR'S GOALS FOR THIS COURSE:

The professor developed and initiated this course at Sam Houston State University in 1988. He initiated the Victimology course in 1982 and the Child Abuse course in 1994. The Victimology course has been nationally recognized as the first Victimology course to be offered at an American university. The professor has conducted research and published on the subjects of victimology, family violence, and child abuse since the 1970s and has been a strong advocate for victims of crime and victims' rights, including victims of family violence. This course is one of a three-part series that he offers. The Victimology course covers victims in general; however, it does not specifically cover victims of adult family violence or victims of child abuse. The Family Violence course focuses primarily on adult violence. The Child Abuse course focuses on children within the context of family violence and investigation of child abuse and neglect.

This semester the professor's primary goals for this course are as follows:

1. To gain an understanding of the history and development of the concept of family violence.
2. To develop an understanding of the cultural, social, economic, and legal factors that affect society's response to family violence.
3. To gain a comprehensive understanding of the salient state and federal laws as they apply to family violence in the United States, including the legal definition of family violence, elder abuse, and stalking.
4. To gain an understanding of the legal requirements, both civil and criminal, imposed on law enforcement, prosecutors, and the courts with respect to family violence.
5. To gain a comprehensive understanding of protective orders, including their meaning, application, and implementation.
6. To gain insight into the principal question raised in family violence: "Why the victim stays with the perpetrator?" (This includes an understanding of the cycle of violence, control mechanisms, and learned helplessness.)
7. To gain an understanding of the role of the federal government and the Violence Against Women's Act in addressing the issue of family violence.
8. To develop an understanding of the "policing of domestic violence," including both historical and theoretical development, as well as current theories and practices.
9. To develop an understanding of the history and current status of the shelter movement in the United States, including the influence of the shelter movement in England on the United States.
10. To gain a comprehensive understanding of the significance and role of verbal and emotional abuse in the framework of family violence.
11. To develop knowledge and insight that will assist the student in his or her future career(s).

EXAMINATIONS: Two regular exams will be given. The first regular examination will be given on October 16th and will cover lecture material through October 11th. The second regular examination will be given at the time scheduled for the final exam. CJ483.01 is scheduled to take the final exam on December 11 from 8:00 a.m. to 10:00 a.m. CJ483.02 is scheduled to take the final exam on December 13 from 2:00 p.m. to 4:00 p.m. All exams will be multiple choice. If a student cannot be present on the date or at the time scheduled for an examination, and the student is excused by the professor, the student and professor will work out a mutually agreeable time for the student to make up the examination.

Location of exams.

CJ483.01 will take a regular paper exam using a scantron on October 16th in the classroom. If a computer lab or labs can be located the examination will be taken online in a computer lab or labs.

CJ483.02 will take an online exam in the computer labs on October 16th. The exam for CJ483.02 will be given in the Lee Drain Building in Rooms 407 and 415. (Room 407

holds 18 students and Room 415 holds 36 students.) The exams will begin promptly at 2:00 p.m. and will end promptly at 3:20 p.m. The exam will be monitored.

Both sections (CJ483.01 and CJ483.02) will take Exam II at the time scheduled for their respective final examinations in AB2 Room 110. Exam II will be an online monitored exam in the computer lab.

The class will not meet on Tuesday October 2. Students will take an online examination over the book *The Verbally Abusive Relationship* by Patricia Evans. The examination will open at 6:00 p.m. on Monday October 1 and will close at 11:00 p.m. on Tuesday October 2. The exam will be timed. Students may use the book and notes to take the exam; however, students will sign an honor statement that they took the examination without the help of anyone else. Study materials will be placed on Blackboard and the professor will lecture over the material in the book the week before the examination.

Two book examinations will be given in class. Each will require a Scantron. The first exam will be over *Battered Women Who Kill* and will be given on October 9. The second exam will be over *Fighting Back* and will be given on November 27th.

If an examination cannot be given on a scheduled date because of class cancellation, the university closing, or for some other reason, the examination will be given on the next scheduled class date.

GRADES: The two regular examinations will each account for 30% of the course grade. The online exam (*The Verbally Abusive Relationship*) will each account for 25% of the course grade. The two book exams will each account for 7.5% of the course grade.

Grades are calculated exactly as follows based on the weighted averages plus any extra points added. There will be no rounding of grades.

- A 90 to 100
- B 80 to less than 90 (i.e., 89.999)
- C 70 to less than 80 (i.e., 79.999)
- D 60 to less than 70 (i.e., 69.999)
- F Less than 60

ATTENDANCE: Students are allowed three absences, excused or unexcused. Each absence in excess of three will reduce the final course grade average by 2 points per absence. Any student with more than eight (8) absences, excused or unexcused, will receive a course grade of F. Arriving more than 10 minutes after class has started will count as one-half absence. Departing before class has ended, unless prearranged with the instructor, will count as an absence. Excused (such as illness) and unexcused absences are treated the same as far as the total number of absences (that is, 3) which are allowed without penalty. If you have a job interview or some other activity that will cause you to be away make certain that you allow for this in your accumulated absences.

PHILOSOPHY REGARDING ABSENCES: The professor has set a rather stringent policy regarding absences in this course for several reasons. First, each student's input is very important. Discussion of the issues constitutes a very important part of the class and student input and interaction on these issues contributes significantly to the learning environment. Therefore, the presence of students is vital to the structure and format of the course. Second, there is a significant waiting list for the course. If a student does not intend to become involved in the course, then the student should make room for someone else. Third, the state of Texas does invest a lot of money in each of you and the state is entitled to "get its money's worth."

CLASSROOM DECORUM: As much as I regret having to add this note to the syllabus times seem to have changed. I am going to ensure that the classroom provides a meaningful learning environment for each and every student who is interested in learning. Therefore, these are basic rules that will be enforced.

1. Use of cell phones for any reason once the professor starts to call the roll will result in the student being automatically dismissed from the class. The student will have to meet with the assistant or associate dean before I will consider allowing the student back into the classroom.
2. Casual talking in class for any reason once the professor starts to call the roll will result in the student being automatically dismissed from the class. The student will have to meet with the assistant or associate dean before I will consider allowing the student back into the classroom. If I determine that it is egregious I will not allow the student back into the classroom for the semester. I do understand that you may miss a point of the lecture and need to ask another student—but please be careful. If students around you are talking tell me and I will act immediately.
3. Reading material in the classroom other than material directly related to the class for any reason once the professor starts to call the roll will result in the student being automatically dismissed from the class. The student will have to meet with the assistant or associate dean before I will consider allowing the student back into the classroom.
4. Any behavior or actions that interfere with the learning environment, including repeatedly arriving late for class, will result in the student being automatically dismissed from the class. I understand that some students need to eat in the classroom because of their schedules; however, eating must be done in a quiet and non-intrusive manner. You must also take your material and drinks with you when you leave the classroom. The student will have to meet with the assistant or associate dean before I will consider allowing the student back into the classroom. If I determine that it is egregious I will not allow the student back into the classroom for the semester.

I did not think that the time would ever come that I would have to place this type of statement in the syllabus. This is the first time that I have ever done so. In fact, it is truly painful for me to do so; however, there seems to be a generation that includes a "few" students who have not grown up and do not understand how to behave in a university classroom.

SPECIAL EVENING CLASS: One of the highlights of the course for the past 18 years has been a special presentation by a panel of women who have experienced a battering situation. These women have made use of a shelter in the past. A qualified counselor at the SAAFE House in Huntsville has determined that each woman is at a stage in the recovery process that she can participate on the panel. The counselor is also present in case there are any adverse effects of being on a member of the panel. The presenters must work during the day and, therefore, the special class is always scheduled during the evening. The tentative date for the presentation is October 24th. The presentation will commence promptly at 6:00 p.m. on Wednesday October 24th in The Courtroom. The answer to the question of how long the presentation lasts—generally until between 6:00 p.m. and 8:30 p.m. depending on the presenters and questions asked by students. Since this is a special evening class attendance is not compulsory. Students who attend the special evening class will have 5 percentage points added to their final grade average. (In other words, if a student’s final average based on the four tests is 88, five points will be added raising the final course average to 93.) Students must attend the full presentation in order to receive the five points credit. There is no alternative means of earning the extra 5 points for attending the special class session. As is customary, in exchange for this special evening class session the class will not meet on a regularly scheduled class day. This term the class will not meet on August 30th. The second date that the class will not meet will be announced later in the semester on Blackboard. The Professor can provide you with a letter to take to your professor if you have another class scheduled on the evening of October 24th; however, it is up to each individual student to make arrangements with his or her professor.

PURPOSE/OBJECTIVES: The purpose of this course is to provide present and future criminal justice professionals with an overview of the issues regarding family violence. The focus of the course is both theoretical and pragmatic.

ACADEMIC HONESTY: The faculty has been asked to draw students’ attention to Section 5.3 of “Guidelines: Sam Houston State University” regarding academic honesty. These guidelines will apply to this class. The class policy will be that students found to be cheating, including plagiarism, will receive a grade of F in the course.

Professors in the College of Criminal Justice have been requested to add the following statement. “The Faculty of the College of Criminal Justice expects students to conduct their academic work with integrity and honesty. Acts of academic dishonesty will not be tolerated and can result in the failure of a course and dismissal from the University. Academic honesty includes, but is not limited to, cheating on a test, plagiarism, collusion—the unauthorized collaboration with another person in preparing work offered for credit, the abuse of resource materials, and misrepresentation of credentials or accomplishments as a member of the college. The University’s policy on academic honesty and appeal procedures can be found in the manual entitled *Student Guidelines*, distributed by Division of Student Services. (Reference Section 5.3 of the SHSU Student Guidelines.)

DISABLED STUDENT POLICY: The university administration has requested that the following statement be added to the syllabus. “The university requires that students be provided with the following statement: ‘Students with a disability which affects their academic performance are expected to arrange a conference with the professor in order that appropriate strategies can be considered to ensure that participation and achievement opportunities are not impaired. The physically impaired may contact the Director of the Counseling Center as chair of the Committee for Continuing Assistance for Disabled Students by telephone (ext. 4120).’”

SERVICES FOR DISABLED STUDENTS: The university’s information on services available for disabled students may be found at the following internet address.

<http://www.shsu.edu/~counsel/sswd.html>

STUDENT ABSENCES ON RELIGIOUS HOLY DAY POLICY: Section 51.91 (b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence. University policy 861001 provided the procedures to be followed by the student and instructor. A student desiring to absent himself/herself from a scheduled class in order to observe a religious holy day(s) shall present to each instructor involved a written statement concerning the religious holy day(s). This request must be made in the first fifteen days of the semester or the first seven days of a summer semester session in which the absences(s) will occur. The instructor will complete a form notifying the student of a reasonable time frame in which the missed assignment and/or examinations are to be completed.

OFFICE HOURS: OFFICE HOURS: Tuesday and Thursday: 9:00 a.m. to 9:30 a.m.; 12:30 p.m. to 2:00 p.m.; 3:30 p.m. to 5:00 p.m. Wednesday 2:00 p.m. to 4:00 p.m. Occasionally, the professor may be required to attend meetings or undertake other obligations during the time scheduled for office hours. It is strongly recommended that students contact the professor and make certain that the professor will be in the office during office hours. The professor is always open to making appointments at times other than the posted office hours in order to accommodate students. The professor’s home telephone number is (936) 295-6274 and students should not hesitate to contact the professor at home at any time he cannot be reached at the office. The e-mail address that **must** be used is rteske@suddenlink.net.

SUPPLEMENTAL READING MATERIAL: There is no text book for this course. The only required books are the three supplemental reading books. The professor will refer the students to web sites where students may download material to bring to class—such the laws covering family violence, protective orders, stalking, and so forth. Students should bring this material to class as it may help them to better understand the lectures and to take notes. One legal case is on electronic reserve in the library. The professor may assign supplemental reading material—students will be notified in advance. This material will either be handed out or placed on electronic reserve.

BLACKBOARD: The syllabus will be placed on Blackboard in case a student requires an additional copy. Notices regarding the class, including class cancellations or changes in assignments will be posted on Blackboard. Supplemental reading material may be placed on Blackboard.

COURSE OUTLINE

Note: The professor intends to follow this outline. However, additional lecture topics may be introduced during the semester that are not specifically noted in the outline. Also, the order of topics in the outline may change to conform to the availability of guest speakers or other circumstances. Depending on the length of time devoted to specific lectures, not all topics may be covered.

Lecture 1: An overview of the issue of family violence.

Lecture 2: Historical overview of criminal approaches to family violence.
Society's reaction to and accommodation of family violence.

Lecture 3: Legal, social, and philosophical issues.
What is family violence?
The legal definition of family violence in Texas.

See Resource A. This material will also be used for Lecture 5.

Lecture 4: The legal rights of victims of family violence in Texas.
Legal mandates for law enforcement, prosecutors, and the courts.

Resource on Blackboard: Custody, Contact, and Visitation

Lecture 5: Protective Orders

See material in Resource A on Protective Orders.

See, also, Resource C.

Lecture 6: Power and Control
Cycle of Violence
Control Mechanisms
Learned Helplessness
The Battered Woman Defense

Resource: Mary Ann Dutton, Understanding Women's Responses to Domestic Violence: A Redefinition of the Battered Woman's Syndrome. *Hofstra Law Review* Vol. 21 No. 4, pp. 1191-1242, 1993. (Electronic Reserve)

Resource: *The People, Plaintiff & Respondent, v. Evelyn Humphrey, Defendant and Appellant* 13 Cal. 4th 1073. (Electronic Reserve)

Lecture 7: The Batterer

Resource: Understanding the Batterer: Tools for Assessment (on Blackboard)

Lecture 8: The Violence Against Women's Act (VAWA)

Lecture 9: Aliens and Domestic Violence
Power and Control Mechanisms
Legal Rights of Aliens Who Have Experienced Domestic Violence
Legal Rights and Political Beliefs
Trafficking and Legal Rights

Lecture 10: Verbal and emotional Abuse

The Verbally Abusive Relationship by Patricia Evans.

(To be covered the week prior to Oct. 2nd.)

Lecture 11: Stalking

Book: Mike Proctor's *How to Stop a Stalker*

See Resource A below for the Texas law on stalking.

Lecture 12: Strangulation: An emerging issue in domestic violence

Lecture 13: The shelter movement: past, present, and future.

Lecture 14: Policing domestic violence
Historical development.
Research
Current theories and practices.

See Resource B.

Lecture 15: Elder abuse: legal issues, social issues, and protective measures.

Lecture 16: Estimating the extent of family violence and intimate partner violence.

See Resource D.

Lecture 18: Intergenerational violence: the impact of family violence on the children.

APPENDIX: FAMILY VIOLENCE

RESOURCES STUDENTS NEED FOR COURSE

Students should acquire the following resources for use during the course. The professor advises that you obtain them as soon as possible and place them in a folder.

RESOURCE A

The following are resources that students need to acquire from the Texas Penal Code, the Texas Code of Criminal Procedure, and the Texas Family Code. If a student has access to these parts of the codes through a copy of Texas Criminal Law and Motor Vehicle Handbook, or a similar resource, the student could bring the resource to class. Otherwise, a student can follow the steps below to obtain and print copies from the internet.

Students should use the internet to locate and print the following legal material.

Bring this material to class. The professor will present lectures, including an outline of key points, systematically reviewing the essential elements of each law. You can also underline and make notes on the material, thereby preventing you from having to copy all of the lecture notes. You can also use this material to review and study for examinations.

1. Select your search engine such as Yahoo.
2. Type in under search "Texas Code of Criminal Procedure."
3. Click on the search button.
4. Scroll down to Chapter 5.
5. Open using the Word symbol.
6. The title of this section is "Family Violence Prevention."
7. The text of Chapter 5 of the Code of Criminal Procedure should appear,
From 5.01 to 5.08.
8. You can now print the code.

While you are in the Code of Criminal Procedure print copies of:

14.03. Authority of Peace Officers

(The emphasis here is on arrest without warrant as it pertains to family violence.)

41.21 Notice of Release of family violence offenders.

42.141, Section 1. Battering Intervention and prevention programs.

42.013 Finding of family violence

42.23 Notification of court of family violence conviction

2.09 Who are magistrates.

(The importance of this is for students to understand who are magistrates in Texas and who can issue protective orders, as well as warrants for arrest in cases of family violence.)

2.12 to 2.123 Who are peace officers.

(The main purpose of this is for students to understand the wide range and Type of positions defined as “peace officers” in the state of Texas. It is the impression of the professor that most students do not receive a full introduction to this subject. The importance for this course is the application with respect to family violence.)

NEXT

Type in for your search “**Texas Family Code.**”

Repeat the procedures above and print.

Chapter 71. From 71.001 to 71.007

This covers Family Violence defined

Dating Violence defined

Household defined

81.001 to 88.008 all the material on Protective Orders

91.001 to 91.004 and 92.001, Reporting of Family Violence

NEXT

Under search type in “**Texas Penal Code**”

There is only one code to print.

25.07 Violation of protective order or magistrates order.

40.06 Unlawful transfer of certain weapons

See especially (a)(B)(5) and (6) relating to transfer or possession of handguns while a protective order is in effect.

42.072 Stalking

Note: For use with Lecture 14.

RESOURCE B

Students should print and bring to class a copy of: “The Domestic Violence Experiment” by Lawrence W. Sherman and Richard A. Berk. This will be used for Lecture 11. To locate a copy you can look on your search engine under “Police Foundation Reports Minneapolis.”

A web site should appear. If not, try www.policefoundation.org/pdf/minneapolisdve.pdf

RECOURSE C

These are sections of 18 U.S.C. concerning domestic violence.

On your search engine type is:

18 U.S.C. 2261 (you will find “Interstate domestic violence”)

18 U.S.C. 2262 (you will find “Interstate violation of protective order”)

18 U.S.C. 2266 (you will find “Definitions”)

18 U.S.C. 2265 (you will find “Full faith and credit given to protection orders”)

18 U.S.C. 922(g)(8) (you will find federal restrictions on possession of a firearm)

RESOURCE D

Type into your search engine the following:

“violence by intimates bureau of justice statistics”

A web site for the document “Violence by Intimates” will appear.

Open and download the 46-page report.

This information will be used for Lecture 17 (and at times earlier in the course).

If a student has it in hand then the student can make notes in the margin.

Facts and statistics will be assigned for exams.

