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## "This Winter is Going to Be Awful": Challenges Facing Maine Domestic Violence Resource Centers Amid COVID-19

Catherine Keely McConville

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“THIS WINTER IS GOING TO BE  
AWFUL:” CHALLENGES FACING MAINE  
DOMESTIC VIOLENCE RESOURCE  
CENTERS AMID COVID-19

by

Catherine Keely McConville

A Thesis Submitted in Partial Fulfillment of  
the Requirements for a Degree with Honors  
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## ABSTRACT

Few studies have considered the impact of COVID-19 on the domestic violence workforce in the United States, while none have focused on the state of Maine or the challenges experienced by advocates and organizations as the pandemic becomes endemic. To fill these gaps, this study examines the immediate and enduring impacts of COVID-19 on Maine's domestic violence workforce using semi-structured interviews analyzed thematically using an inductive coding technique. This study reveals (1) the impact of the pandemic on Maine's the domestic violence workforce, (2) the ways in which adaptations were made in the provision of services, for better and for worse, and (3) the current challenges faced by these organizations as the pandemic becomes endemic.

## DEDICATION

I dedicate this work to my beloved friend Sophia Ann Solmos. Though her loss was perhaps the most difficult challenge I have ever faced, I am so truly grateful that I had the privilege of calling her a friend in this lifetime. Soph was the funniest person, most talented artist, and most compassionate friend I have ever met. Though she has left this mortal world, I see her everywhere around me, in the dandelions and the bees and the seaglass and the sun filtering through the pine trees. I love you always.

This work is also dedicated to Hope Bifulco for encouraging me throughout this thesis process, and for standing beside me through the deepest stages of grief, taking me in when I could not take care of myself. I am not sure I would be here today, much less completing this thesis, without her tremendous support.

## ACKNOWLEDGEMENTS

I want to acknowledge and share my deep gratitude for my thesis advisor, Dr. Mark Brewer, who made this work possible. Though he did not come into this field with area-specific expertise, he supported me through the entire thesis process, encouraging me to continue on when the task felt impossible. His patience, grace, and understanding when I experienced personal and thesis-related roadblocks along the way was paramount to my completion of this work. Thank you, Dr. Brewer, for everything.

I also want to thank the individuals who participated in this research for sharing their time and experiences with me. Additionally, my sincere gratitude is extended to all advocates who answer the call day after day and continue to work to make the world a more peaceful place. While your work may be underappreciated at times, it is never forgotten by those you serve. Thank you for your tremendous advocacy and the hope you give me.

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Table 1: Participants

### LIST OF TERMINOLOGY AND DEFINITIONS

**Advocate(s):** Certified employees for nongovernmental or tribal program for victims of domestic violence.<sup>1</sup>

**Domestic Violence:** Throughout this thesis, I use the terms “domestic violence,” “family violence,” and “intimate partner violence” interchangeably to refer to “a pattern of abusive behavior in any relationship that is used by one partner to maintain power and control over another” including “physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship” such as “any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.”<sup>2</sup>

**Pre-COVID:** Prior to 13 March, 2020.

**Transitional Housing:** Housing program that offers temporary residence and support services for individuals who were previously homeless and assistance with securing a long-term housing situation.

**Victim(s)/Survivor(s):** Throughout this thesis, I use the terms “victim” and “survivor” interchangeably. Many advocates prefer the language of “survivor,” while the term “victim” is generally preferred within law enforcement and legal contexts.

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<sup>1</sup> “Title 16, §53-B: Privileged Communications to Victim Advocate; Family Violence,” accessed December 4, 2022, <https://legislature.maine.gov/statutes/16/title16sec53-B.html>.

<sup>2</sup> “Domestic Violence,” United States Department of Justice, Office on Violence Against Women, May 16, 2019, <https://www.justice.gov/ovw/domestic-violence>.

## LIST OF ABBREVIATIONS

Intimate Partner Violence	IPV
Domestic Violence Resource Center	DVRC
Personal Protective Equipment	PPE
Emergency Rental Assistance Program	ERA
Office of Violence Against Women	OVW
Coordinated Community Response to Violence	CCR



## CHAPTER 1: INTRODUCTION

Internationally, gender-based violence is regarded as a problem of devastating scope and consequence. A World Health Organization (WHO) report analyzing the prevalence of physical and sexual intimate partner abuse across 161 countries found that globally, approximately 1 in 3 women have experienced one or both forms of violence.<sup>3</sup>

In the United States, domestic violence is recognized as a crime in all fifty states in America, but its fascinating history reflects a long pattern of both progress and the unweaving of progress, with periods of activism followed by reactionary pushback. The history of this phenomenon and the movement to end it has been intermittently documented and addressed, and periodically “forgotten” by the public. This study seeks to elucidate and document the current chapter of domestic violence history as impacted by the COVID-19 pandemic. Throughout this thesis, I hope to clarify the complex history of domestic violence in the United States to provide rich context for this new chapter of domestic violence history, and introduce the experiences of Maine’s domestic violence workforce into the conversation as to the immediate and enduring impacts of COVID-19. Therefore, this work explores the challenges experienced by domestic violence advocates, the ways in which COVID-19 facilitated changes in the provision of services, and the concerns advocates and organizations face as the pandemic becomes endemic, yet domestic violence remains endemic.

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<sup>3</sup> World Health Organization and United Nations Working Group on Violence Against Women Estimation and Data, *Violence Against Women Prevalence Estimates, 2018: Global, Regional and National Prevalence Estimates for Intimate Partner Violence Against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence Against Women* (Geneva: World Health Organization, 2021), <https://apps.who.int/iris/handle/10665/358892>.

## CHAPTER 2: LITERATURE REVIEW

In America, domestic violence is recognized as a crime in all fifty states. Nationwide, domestic violence is recognized as the pervasive and destructive epidemic it is: there is a national awareness month, efforts to intervene and prevent it receive federal dollars, and police are educated to understand domestic violence as a potentially lethal crime, yet it remains considered “extremely resistant to countermeasures.”<sup>4</sup> This national recognition of the crime of domestic violence is a relatively recent phenomenon. Prior to the efforts of the Women’s Movement in the 1970s, domestic violence was not widely considered to be a crime in America. More recently, scholarship in America has shifted away from viewing domestic violence as an inherently gender-based phenomenon, expanding focus to include abusive dynamics within non-heterosexual relationships and violence perpetrated by the female partner against the male partner in heterosexual relationships.

### HISTORICAL BACKGROUND

Today, many activists and scholars conceptualize domestic violence as something that was historically tolerated, encouraged, ignored, or considered to be a private, family issue rather than a publicly prosecuted crime. While these views on the past may retain some truth, they manufacture the sense that domestic abuse was not an issue until the 1970s—or that the government and society did not recognize it as a bad thing until that turning point. In reality, laws and regulations describing and pertaining to intimate partner violence are not new; references to what we now understand as domestic violence exist in the laws and the literature of societies from Ancient Rome to the Middle Ages

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<sup>4</sup> Kristin A. Kelly, *Domestic Violence and the Politics of Privacy* (Ithaca: Cornell University Press, 2003).

and beyond. Some of these early laws go so far as to specifically permit violence against one's spouse in certain situations, while others prescribe certain limits around the extent to which one may beat his spouse. However, despite the apparently bleak history of domestic violence, there were measures of prevention and intervention in place long before the Women's Movement. In order to illustrate the nature of domestic violence legislation today, I must first trace the historical developments and address common misconceptions regarding domestic violence. Rather than a continuous progression from darkness to light, the history of domestic violence is striped with both periods of public attention and advocacy, and periods of disinterest and relegation to the realm of private, family affairs in which the government has no business interfering.

Early Roman law granted a husband total power over his children under the concept of *patria potestas*, or the power of the father.<sup>5</sup> A corresponding concept provided the husband with a similar power over the wife: *manus*, meaning hand, referent to the idea that these marriages mark the transition of the woman to the hand of her new husband from the *patria potestas* of her father.<sup>6</sup> The rules of *manus* marriage permit a husband to murder his wife if she commits a wrong acknowledged by the public, such as drinking wine or committing adultery.<sup>7</sup>

Over time, *manus* marriages declined in popularity, and *sine manu* marriage moved into favor.<sup>8</sup> This type of marriage provided a wife with a greater degree of autonomy as she was no longer subject to the total power of her husband. *Sine manu*, the

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<sup>5</sup> John Andrew Couch, "Woman in Early Roman Law," *Harvard Law Review* 8, no. 1 (1894): 39–50, <https://doi.org/10.2307/1322384>.

<sup>6</sup> Witzke, "Violence Against Women in Ancient Rome."

<sup>7</sup> *Ibid.*

<sup>8</sup> Susan E. Looper-Friedman, "The Decline of Manus-Marriage in Rome," *Tijdschrift Voor Rechtsgeschiedenis/Legal History Review* 55, no. Issues 3-4 (1987): 281–96.

woman remains under the protection of her family: her family retains any property that would go to the husband under *manus* marriage, the woman and her family can initiate divorce proceedings whereas only men could initiate divorce *cum manus*.<sup>9</sup>

Emperor Augustus introduced a set of *leges* prescribing rules around morality and the family, collectively known as the *leges Julia*. One such law was the *lex Julia de adulteriis*, an 18 BCE statute that sets out the principle that the husband no longer held the power to execute his wife over suspected adultery, and must instead bring charges to a public court, effectively bringing this issue into the public sphere.<sup>10</sup>

While this law serves to divest married men of the power to murder their wives with impunity, this protective effect is secondary. The primary effect of this adultery law was instead to demonstrate that the crime of adultery committed by a woman is so great an offense that it is a crime against the public, not a personal transgression or a private, interpersonal issue. The Augustan regime effectively reformed family law to better protect women from their husbands under the law with a law meant to better protect husbands from adulterous women.<sup>11</sup> There exist no explicit laws pertaining to domestic violence, suggesting that like adultery in the decades prior to the *lex Julia*, domestic violence was considered to be a private, family matter.<sup>12</sup> Though the decline of *manus* marriages and other factors improved the position of Roman women, they still lacked autonomy, citizenship, and freedom from violence even under the most progressive of Roman regimes.

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<sup>9</sup> Witzke, "Violence Against Women in Ancient Rome."

<sup>10</sup> Mary Alana Deminion, "Staging Morality: Studies in the Lex Julia de Adulteriis of 18 BCE," n.d., 103.

<sup>11</sup> *Ibid.*

<sup>12</sup> Michelle J. Nolder, "The Domestic Violence Dilemma: Private Action in Ancient Rome and America," *Boston University Law Review* 81, no. 5 (2001): 1119–49.

It is important to note that this does not apply to unmarried women, enslaved women, and free noncitizen women.<sup>13</sup> Additionally, there is a lack of detailed or complete contemporary historical record that treats domestic violence as an issue at all, much less records that view it as a nuanced issue. The only real narratives regarding domestic violence and abuse of one's wife in ancient Rome are those that have been constructed in modern times as informed by modern views.<sup>14</sup> Sadly, however, these limitations are to be expected given the nature of the subject matter at hand. Limitations aside, it is evident that the Roman legal system, along with many other elements of the empire, profoundly influenced the legal systems of succeeding societies, including the English common law.<sup>15</sup>

Beyond the contemporary impact on Rome's society, these ancient developments would influence succeeding understanding of legal systems. Roman law would lead to systems of civil law and codified national systems, but this Roman influence would affect other nations on the European continent more directly than England.<sup>16</sup> England utilized a largely unwritten common law system rooted in precedent and tradition.<sup>17</sup> With that said, key thinkers who set out to define and explain the law turn to Roman principles. Nestorovska describes the use of Roman law as to fill the gaps of the English common

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<sup>13</sup> Witzke, "Violence Against Women in Ancient Rome."

<sup>14</sup> Nolder, "The Domestic Violence Dilemma." Notably, there are numerous accounts of violence against women and the murder of wives in Roman myth and history; the foundational mythology of Rome involves a mass rape of the women of a neighboring community. Further evidence of this violence is seen in several accounts of husbands brutally "punishing" their wives to the point of death, as well as sexual violence described in literature and poetry. However, these accounts frame such violence as justifiable; consider Valerius Maximus' account of Egnatius Melletus, a man praised by the other men of his community for enforcing the laws around sobriety after beating his wife to death for allegedly consuming alcohol.

<sup>15</sup> Diana Nestorovska, "Influences of Roman Law and Civil Law on the Common Law International Law," *Hanse Law Review* 1, no. 1 (2005): 79–88.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

law as it formed.<sup>18</sup> England is now the subject of focus, as the nation’s legal system would be brought overseas to the American colonies, subsequently exerting dramatic influence over colonial and early American law. Notably, this influence would not be exerted by the English law itself: instead, it is Sir William Blackstone’s interpretation of the common law that would seep into the intellectual framework of the United States.

Sir William Blackstone’s *Commentaries on the Laws of England* is an extremely influential set of texts describing the complicated English legal system; as the first and only consolidated text describing the legal system of England in depth yet clarity, this work is largely considered to be among the key sources referenced in the development of the Constitution of the United States.<sup>19</sup>

Blackstone devotes a chapter of his tome to the legal practice of marriage, writing that under the English system, marriage is a contract in which the identity of the wife is erased as an independent entity and subsumed by the husband, forming a single legal entity controlled by the man of the household.<sup>20</sup> This so-called “doctrine of marital unity” is used to justify spousal violence; it was considered the right and responsibility of the husband to keep the behavior of his wife in line.<sup>21</sup> Blackstone’s treatise lays out four categories: the rights of persons, the rights of things, private wrongs, and public wrongs.

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<sup>18</sup> *Ibid.*

<sup>19</sup> Dennis R. Nolan, “Sir William Blackstone and the New American Republic: A Study of Intellectual Impact,” *New York University Law Review* 51, no. 5 (1976): 731–68. The origins of the Constitution and the sources that intellectually influenced the Framers could be the subject of a thesis of its own. For the domestic violence focus of this inquiry, however, the precursors of the Constitution are only relevant if they contributed to the view of domestic violence and the law.

<sup>20</sup> William Blackstone, “Chapter the Fifteenth: Of Husband and Wife,” in *Commentaries on the Laws of England*, vol. 1, 4 vols., accessed September 25, 2022, [https://www.gutenberg.org/files/30802/30802-h/30802-h.htm#Chapter\\_the\\_fifteenth](https://www.gutenberg.org/files/30802/30802-h/30802-h.htm#Chapter_the_fifteenth).

<sup>21</sup> Holly Brewer, “The Transformation of Domestic Law,” in *The Cambridge History of Law in America: Volume 1: Early America (1580–1815)*, ed. Christopher Tomlins and Michael Grossberg, vol. 1, *The Cambridge History of Law in America* (Cambridge: Cambridge University Press, 2008), 288–323, <https://doi.org/10.1017/CHOL9780521803052.010>.

He considers public matters to involve relations outside of the home, such as government affairs, whereas private matters involve the relationship between master and servant, husband and wife, parent and child, and guardian and ward.<sup>22</sup> These are considered “oeconomical relations,” or household relations, as derived from Aristotle’s *oikos* model of domestic relations.<sup>23</sup> These household relations are laid out as parallel throughout the various domains: the roles of master, husband, and father, usually embodied in one man, incur responsibilities and powers over the subordinate servant, wife, and child.<sup>24</sup>

Blackstone does write that while the responsibility to “correct” one’s spouse with corporal punishment had begun to fall out of favor and was not sanctioned by law, “the lower rank of people...still claim and exert their antient [*sic*] privilege: and the courts of law will still permit a husband to restrain a wife of her liberty, in case of any gross misbehaviour [*sic*].”<sup>25</sup> He does not reference any specific court cases in which this right to chastise and duty to control is actually on display, and asserts Roman civil law is the source for this right.<sup>26</sup> However, it is the view that the husband was singularly responsible for affairs concerning the collective family is rooted in Roman principles, enshrined in the hierarchical pattern of Blackstonian English common law, and handed down to the colonies that would form the United States: English Common Law is not necessarily a key influence to this view itself, but rather it is Sir William Blackstone’s interpretation and consolidation of that common law that shapes the American legal system, and his words would appear in American court cases as justification for wifebeating.

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<sup>22</sup> Blackstone, “Chapter the Fifteenth: Of Husband and Wife.”

<sup>23</sup> Carole Shammas, *A History of Household Government in America* (University of Virginia Press, 2002).

<sup>24</sup> Blackstone, “Chapter the Fifteenth: Of Husband and Wife.”

<sup>25</sup> *Ibid.*

<sup>26</sup> Henry Ansgar Kelly, “‘Rule of Thumb’ and the Folklaw of the Husband’s Stick,” *Journal of Legal Education* 44, no. 3 (1994): 341–65.

While his synthesis forms a simple, cohesive structure out of a complex legal tradition, Blackstone strays into the realm of oversimplification. Edwards does not specifically write about Blackstone, but cautions against the faulty but widespread instinct to view the law as eternally consistent, centralized, and uniformly constructed and enforced.<sup>27</sup> She warns of the consequences stemming from this tendency to work backward from present day, noting that those who fall into this trap risk limiting inquiries to only evidence that supports this worldview, resulting in literature that invents its own history inextricable from contemporary legal and societal ideals.<sup>28</sup> Brewer criticizes Blackstone for hiding changes, ignoring contradictory precedents, and molding the common law to fit into his predesigned structure.<sup>29</sup>

For instance, Blackstone writes of situations in which a husband may divorce his wife and describes the subordination of women as permissible as consent is provided in the act of marriage. However, he neglects to acknowledge the legal tactic of charging an abuser with breach of the peace, a tool that women in England (and, later, in the British colonies) “would almost certainly have known about.”<sup>30</sup> Notably, most interpersonal violence at this time, even among men in public, was dealt with as a civil matter, rather than a criminal matter. As a civil matter, the injured party must bring the matter to court himself at his own expense, and if the magistrates ruled in favor of the victim, the punishment was usually no more than a small fine.<sup>31</sup> The charge of breach of the peace,

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<sup>27</sup> Laura F Edwards, “The Peace: The Meaning and Production of Law in the Post-Revolutionary United States” 1 (2011): 21.

<sup>28</sup> *Ibid.*

<sup>29</sup> Brewer, “The Transformation of Domestic Law.”

<sup>30</sup> Ruth H. Bloch, “The American Revolution, Wife Beating, and the Emergent Value of Privacy,” *Early American Studies* 5, no. 2 (2007): 223–51.

<sup>31</sup> *Ibid.* This is an important distinction: interpersonal disputes were largely considered minor civil offenses as they did not affect the kingdom. Severe assault resulting in permanent disability or death is then



however, was a criminal offense; the crime, and the punishment, carry more significance than standard interpersonal violence that would be resolved through civil litigation as the breach of the peace does not victimize the wife as an individual, but the kingdom as a whole.<sup>32</sup> Sir Matthew Hale would write in 1659 that the existence of this remedy of charging abusive husbands with breach of the peace demonstrates that a husband can neither kill nor beat his wife.<sup>33</sup> Bloch argues that this designation of domestic abuse as a breach of the peace does not indicate a dismissive attitude towards domestic violence as some readers of Blackstone's sentiments on chastisement may assume.<sup>34</sup>

Oppenlander notes that following English Common Law, "a husband could discipline his wife with any reasonable instrument, including a rod no thicker than his thumb."<sup>35</sup> Feder writes that in English law, "physical chastisement was accepted and expected."<sup>36</sup> These statements, however, are not directly supported by Blackstone's *Commentaries*. Similar claims regarding this etymology for the phrase "rule of thumb" are repeated in numerous other sources. However, Kelly describes this as "folk law" and reveals a lack of evidence to support these claims throughout history.<sup>37</sup> Kelly defends Blackstone's work as Blackstone intended it, but notes a variety of citations greatly mischaracterize or wholly distort his *Commentaries*.<sup>38</sup> Lentz also comments on the

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considered a crime against the kingdom as the criminal has rendered another of the king's subjects incapable of future service to the kingdom. As such, by permitting recourse in the form of the breach of the peace charge, domestic violence is placed in a special category compared to most other assaults; the offense of wife beating is then considered an injury to the kingdom – the victim of the violence is the kingdom, not the wife, imbuing a greater political weight to this type of violence compared to fights among men.

<sup>32</sup> *Ibid.*

<sup>33</sup> Kelly, "'Rule of Thumb' and the Folklaw of the Husband's Stick."

<sup>34</sup> Bloch, "The American Revolution, Wife Beating, and the Emergent Value of Privacy."

<sup>35</sup> Nan Oppenlander, "The Evolution of Law and Wife Abuse," *Law & Policy Quarterly* 3, no. 4 (1981): 382–405.

<sup>36</sup> Lynette Feder, ed., *Women and Domestic Violence: An Interdisciplinary Approach* (Haworth Press, 1999).

<sup>37</sup> Kelly, "'Rule of Thumb' and the Folklaw of the Husband's Stick."

<sup>38</sup> *Ibid.*

erroneous tendency to cite Blackstone in reference to the “rule of thumb,” noting it was likely English jurist Sir Francis Buller who actually coined the phrase.<sup>39</sup>

Brewer argues that Blackstone’s selective editing of English common law sharply curtailed the legal rights of women and establishes a faulty premise that the common law had always allowed for this exploitation, neat patriarchal hierarchy, and the obligations of dependents.<sup>40</sup> While Blackstone appears to simply produce a single document containing the law of the land, he effectively strengthens the legal capacity of the patriarch, affirms the concept of marital unity as justification for abusing wives and children, and weakens the powers of dependent classes while manufacturing the sense that under the common law, this was the way things had always been.<sup>41</sup> Interestingly, this false history would be later lend credibility to bolster both challengers to and defenders of the primacy of man over wife.

Despite these flaws, it is Blackstone’s interpretation of English common law that would influence the development of American law rather than the English legal tradition itself. Quoted in American newspapers more than any other thinker in the 1790s,<sup>42</sup> Blackstone would lend significant influence on the development of the legal system of the United States of America.

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<sup>39</sup> Susan A. Lentz, “Revisiting the Rule of Thumb: An Overview of the History of Wife Abuse,” in *Women and Domestic Violence: An Interdisciplinary Approach*, ed. Lynette Feder (New York: Haworth Press, 1999).

<sup>40</sup> Brewer, “The Transformation of Domestic Law.”

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

## COLONIAL TO REVOLUTIONARY AMERICA

For the purpose of this review, I am limiting the scope of inquiry related to domestic violence and early America to those colonies bound to England. While French and Spanish settlers were present in the region, their purposes were economic and short-term, whereas the English colonists set out to establish new communities centered around the family rather than conquest. Further, to constrain the focus of this inquiry, I will not be examining the dynamics of domestic relations within Native American communities, as there are many differences between and among tribes.<sup>43</sup> Additionally the historical record is relatively sparse; the documents that do exist are difficult to extricate from the Eurocentric ideals of those responsible for recording history.<sup>44</sup> The topic of the history of family within indigenous North American tribes could be the subject of an entire thesis itself. Finally, I will primarily examine family violence and related trends through the lens of the violence committed by a husband against his wife.

Colonial America as settled by the English can be divided into three distinct regions: the New England colonies, the Middle or Middle Atlantic Colonies, and the Southern Colonies.<sup>45</sup> These regions each served unique industrial needs and were comprised of religiously homogenous populations of settlers. While numerous colonies developed their own contracts, charters, and covenants<sup>46</sup> after reaching the “New World,”

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<sup>43</sup> Shamma, *A History of Household Government in America*.

<sup>44</sup> Ibid. Shamma mentions several tribes throughout her book. Many tribes did not follow the patriarchal structure assumed inherent by Europeans; the Iroquois, for instance, traced lineage maternally rather than paternally; Shamma cites Lewis Morgan, who considers this matriarchy to reflect a “primitive” state of society.

<sup>45</sup> Thomas L. Purvis, *Colonial America to 1763*, ed. Richard Balkin, *Almanacs of American Life* (Facts on File, 1999).

<sup>46</sup> H. Lowell Brown, *The American Constitutional Tradition: Colonial Charters, Covenants, and Revolutionary State Constitutions, 1578–1780* (Cranbury, UNITED STATES: Fairleigh Dickinson University Press, 2017), <http://ebookcentral.proquest.com/lib/umaine/detail.action?docID=4871059>.

early on, the colonies largely retained and relied upon the legal systems of the mother country. Most colonial settlements did not develop specific domestic violence laws, indicating an adherence to the common law.<sup>47</sup> The Southern Colonies showed an attitude “of almost complete indifference” to the condition of women.<sup>48</sup> The Middle Colonies offered more progressive treatment of wives and provided a venue for dispute resolution, but instead of codifying this violence as a crime, courts responded to issues such as those that might arise within the household after a member of that household brought the issue to the magistrate; there was no prescriptive formula for these matters, but instead magistrates attempted to devise flexible solutions unique to each situation, following the model developed by the Dutch.<sup>49</sup> Middle Colony magistrates would not intervene, however, unless this assistance had been specifically requested, as unsolicited intrusion into household matters would violate the privacy of the family.<sup>50</sup>

In contrast to the other colonial regions, the Puritan settlers of the New England’s Plymouth and Massachusetts Bay colonies would develop the first laws of the Western world to deal with the issue of family violence. While domestic violence is generally construed as a problem that is worse the farther it is traced back, the condition of women in the context of domestic abuse, particularly wives, would prove better in the 17<sup>th</sup> century than the 19<sup>th</sup>.<sup>51</sup>

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<sup>47</sup> Bloch, “The American Revolution, Wife Beating, and the Emergent Value of Privacy.”

<sup>48</sup> Eugenie Andrus Leonard, Sophie Hutchinson Drinker, and Miriam Young Holden, *The American Woman in Colonial and Revolutionary Times, 1565-1800* (Philadelphia: University of Pennsylvania Press, 1962).

<sup>49</sup> William Edward Nelson, *The Common Law in Colonial America: The Middle Colonies and the Carolinas, 1660-1730* (Oxford University Press, 2012).

<sup>50</sup> *Ibid.*

<sup>51</sup> Bloch, “The American Revolution, Wife Beating, and the Emergent Value of Privacy.”

The population of settlers in New England primarily consisted of Puritans fleeing persecution, famously beginning with the group of Pilgrims that reached Plymouth Rock via the Mayflower in 1620 to form the Plymouth Colony.<sup>52</sup> In 1623, Plymouth's Governor William Bradford decreed one acre of land would be allotted to each family in the for the purpose of building a home in the colony, documenting the details of this procedure in the first volume of the *Records of the Colony of New Plymouth*.<sup>53</sup> In this context, "family" does not refer just to relations of blood and marriage, but to the household, as dominated and directed by the male head of household. Feder notes the term "family" is derived from a Latin term, "familia," understood in Roman culture as referent to the collection of servants and slaves under one man.<sup>54</sup> The Puritan colonies considered the family to be a sacred institution fundamental to a peaceful society. This turn to private residences for each household primarily served to meet the demands of the people, but it also functions as a turning point in which the previously communalist colony begins to operate on a system of private government in which the male head of household was granted the power to govern his family.<sup>55</sup> Shammass characterizes the household as "the crucial institution linking the history of the British American colonies with the history of the early republic."<sup>56</sup> In the 13 colonies, 80% of the population were legally classified as dependents subject to the rule of the head of household.<sup>57</sup>

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<sup>52</sup> Julia L. Ernst, "The Mayflower Compact: Celebrating Four Hundred Years of Influence on U.S. Democracy," *North Dakota Law Review* 95, no. 1 (2020): 1–136.

<sup>53</sup> David Pulsifer, ed., *Records of the Colony of New Plymouth in New England*, vol. 1 (William White, Printer to the Commonwealth, 1861).

<sup>54</sup> Feder, *Women and Domestic Violence: An Interdisciplinary Approach*.

<sup>55</sup> John Gilbert McCurdy, "Gender and Violence in Early America," in *The Cambridge World History of Violence: Volume 3: AD 1500–AD 1800*, ed. Caroline Dodds Pennock, Robert Antony, and Stuart Carroll, vol. 3, 4 vols., *The Cambridge World History of Violence* (Cambridge: Cambridge University Press, 2020), 255–73, <https://doi.org/10.1017/9781316340592.014>.

<sup>56</sup> Shammass, *A History of Household Government in America*.

<sup>57</sup> *Ibid.*

McCurdy argues this transition to family as a private institution provided for spaces in which abuse could occur under the shadow of secrecy.<sup>58</sup> Others, including Pleck, note that rather than allowing for total privacy, the Puritans embraced the idea that they should keep watch over their neighbors to ensure all community members lived piously “so that the sins of a few would not jeopardize the standing of the entire community in God’s eyes.”<sup>59</sup> The matter of family violence was considered among the sins neighbors must watch for so that Church officials may attempt to restore order within the household. However, Pleck does note that the goal of this interference was primarily to preserve the family unit, not to mete out justice or to protect the victim(s).<sup>60</sup>

In 1647, the Puritans of the Massachusetts Bay Colony would enact the Massachusetts *Body of Liberties*, a document outlining the rights of individual colonists. For the first time in the documented history of the Western world, wife beating would be considered a crime: “Everie married woeman shall be free from bodilie correction or stripes by her husband, unlesse it be in his owne defence upon her assault.”<sup>61</sup> Pleck notes that the *Body of Liberties* and other governing documents demonstrate the Puritan belief in the state’s responsibility to enforce morality and proper respect for authority.<sup>62</sup> However, the actual effect on discouraging abuse is not especially clear given the lack of credible evidence; the few accounts describing cases of domestic violence are incomplete, yet indicate the persistence of domestic violence within these Puritan communities despite the letter of the *Body of Liberties*, and a failure to prosecute men

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<sup>58</sup> McCurdy, “Gender and Violence in Early America.”

<sup>59</sup> Elizabeth H Pleck, *Domestic Tyranny: The Making of American Social Policy against Family Violence from Colonial Times to the Present* (Urbana: University of Illinois Press, 2004), [https://archive.org/details/domestictyrannym0000plec\\_z5j0](https://archive.org/details/domestictyrannym0000plec_z5j0).

<sup>60</sup> *Ibid.*

<sup>61</sup> “The Massachusetts Body of Liberties,” 1641, <https://history.hanover.edu/texts/masslib.html>.

<sup>62</sup> Pleck, *Domestic Tyranny*.

accused of violating this protection.<sup>63</sup> Bloch describes this Puritan effort as one that “did not challenge patriarchal power so much as attempt to regulate it.”<sup>64</sup> Further, rather than reflecting the status quo, Brewer argues that these Puritan communities (as well as the Quakers of the Middle Colonies) were composed of “religious radicals” who developed contrarian norms drawn from religious principles.<sup>65</sup> Notably, the Massachusetts Bay Colony saw the lowest rates of domestic murder ever reported in American history,<sup>66</sup> suggesting that the development of domestic violence legislation does not necessarily arise due to extremely high prevalence of family violence or homicide, and may instead relate to other sociolegal and religious factors.

In the 1670s and 1680s, the population of religiously fervent Puritans would become diluted with an influx of other settlers, and the religious tenets of holy watching and enforcing morality fell out of favor.<sup>67</sup> This system of household governance served as a continuation of the English system abroad, and empowered heads of households to mediate relations between the private family and the public institutions of the state.<sup>68</sup> Without the religious radicals constantly enforcing the pure life, neighbors became wary of interfering in the affairs of others, and the foundations of the right to privacy are laid upon the patriarchal understanding of household privacy.<sup>69</sup>

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<sup>63</sup> *Ibid.*

<sup>64</sup> Bloch, “The American Revolution, Wife Beating, and the Emergent Value of Privacy.”

<sup>65</sup> Brewer, “The Transformation of Domestic Law.”

<sup>66</sup> Pleck, *Domestic Tyranny*. Pleck notes that the family murder rate in the Massachusetts Bay Colony is estimated at 0.3 per capita (0.1 per capita if examining only instances in which the husband murders his wife). In 1970, American cities including Philadelphia and Houston saw family murder rates 12x greater than in the Puritan colonies. Pleck writes that this increase may be in part due to advances in technologies used in criminal investigations (revealing more murders and suggesting prior murders were incorrectly reported), though “it is likely that the modern American home is a far more dangerous place to live than its Puritan counterpart.”

<sup>67</sup> *Ibid.*

<sup>68</sup> Shammass, *A History of Household Government in America*.

<sup>69</sup> Bloch, “The American Revolution, Wife Beating, and the Emergent Value of Privacy.”

## 19<sup>th</sup> CENTURY AMERICAN JURISPRUDENCE

In 1776, Abigail Adams would write a letter urging her husband to “Remember the Ladies,” asking that he “not put such unlimited power into the hands of the Husbands” for “all Men would be tyrants if they could.”<sup>70</sup> While the sentiments of Adams reflect the hope for a new system and potential for progress as America took root as a nation, the intellectual and societal underpinnings of the Revolution would provide men with greater coercive power over their wives in the 1800s, not less. This counterintuitive reality would be revealed in the jurisprudence of 19<sup>th</sup> century America, beginning with Tapping Reeve’s *Law of Baron and Femme*.

In 1816, Tapping Reeve published the first edition of the nation’s first guide to domestic law, *The Law of Baron and Femme; of Parent and Child; of Guardian and Ward; of Master and Servant*.<sup>71</sup> Reeve’s treatise represents his attempt to form a consolidated guide to the law of the land, as inspired by Blackstone. Rather than considering the various and inconsistent laws of different localities and states, Reeve focuses on the principles that apply generally throughout the country. Reeve claims to be portraying the common law as it had long existed, but critics argue this work is a reproduction of Blackstone’s flawed hierarchy of domestic affairs rather than an accurate and comprehensive understanding of all relevant precedents and principles, such as those neglected by Blackstone.<sup>72</sup> Together, the two documents convey a false notion that the

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<sup>70</sup> Abigail Adams, “Remember the Ladies,” 1776, <https://history.hanover.edu/courses/excerpts/165adams-rtl.html>.

<sup>71</sup> Tapping Reeve, *The Law of Baron and Femme; of Parent and Child; of Guardian and Ward; of Master and Servant; and of the Powers of the Courts of Chancery*, vol. 1, 1816, <https://heinonline.org/HOL/P?h=hein.beal/lbf0001&i=1>.

<sup>72</sup> Brewer, “The Transformation of Domestic Law.”



concepts of marital unity and the brutal empowerment of the husband were universally accepted throughout the legal tradition, and wrongfully portrays this patriarchal domestic order as static and unquestioned.

Changes in the law also took place through state courts, especially as these courts newly replaced justices of the peace in enforcing dependents' rights. A dramatic instance of change initiated via the the legal process is seen in the 1824 Mississippi Supreme Court case *Bradley v. State*. After one Calvin Bradley was found guilty for the assault and battery of his wife, Lydia Bradley, he appealed to the state's high court on the basis that under marital unity, a husband cannot be convicted of assaulting his wife.<sup>73</sup> While Chief Justice Powhattan Ellis affirms the lower court ruling and writes a husband's unlimited license to abuse "cannot be sanctioned, either upon the principles of the law or humanity," he goes on to state that the husband has the right to chastise his wife in cases of emergency.<sup>74</sup> This decision wrongheadedly cites Blackstone in the claim that the husband's right to chastise his wife has been "known and acknowledged from the earliest periods of the common law, down to the present day."<sup>75</sup> Additionally, Ellis asserts a claim regarding the rule of thumb. Bloch writes that Ellis cites a nonexistent judicial opinion establishing the rule of thumb;<sup>76</sup> Kelly argues that the idea that it is reasonable for a husband to beat his wife with an object no larger than a thumb is the opinion of the judge, rather than a citation.<sup>77</sup> In either case, these misconceptions would make their way into subsequent decisions and arguments before the courts. Rather than ruling in line with

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<sup>73</sup> RJ Walker, *Calvin Bradley v. the State*, Reports of Cases Adjudged in the Supreme Court of Mississippi (Supreme Court of Mississippi 1824).

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> Bloch, "The American Revolution, Wife Beating, and the Emergent Value of Privacy."

<sup>77</sup> Kelly, "'Rule of Thumb' and the Folklaw of the Husband's Stick."

the common law, Ellis invents law, establishing a right to “chastise” that did not previously exist.

Another critical turning point was the Seneca Falls Convention of 1848. This meeting of social reformers produced a document entitled the “Declaration of Sentiments,” a groundbreaking work of feminist advocacy considered to mark the launch of the women’s rights movement.<sup>78</sup> This text utilizes the Declaration of Independence to frame their arguments for the wrongs committed by men that systematically disempower, replacing King George III’s crimes against the colonies with men’s crimes against women. The authors of the Sentiments cite Blackstone’s *Commentaries* to demonstrate the subordinate condition of women, complaining that under the contract of marriage, the wife must obey her husband, who becomes “her master” under the law, providing him with “power to deprive her of her liberty, and to administer chastisement.”<sup>79</sup>

Though chastisement was not actually permitted under American law until *Calvin v. Bradley*, the activists condemned the institution of marriage on the basis that husbands’ right to punish their wives must be eliminated, and divorce laws reformed to allow a wife to seek a divorce on the grounds of physical abuse. While modern conceptions of women’s rights emphasize equity and liberation, Shamma notes that the goals of early reformers are linked to the central component of empowering women within the construct of the household.<sup>80</sup> Brewer considers the irony in this situation, arguing that Blackstone’s tyrannical cast of English common law fueled women’s rights advocates, and if

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<sup>78</sup> Elizabeth Cady Stanton and Frederick Douglass, “Declaration of Sentiments (1848),” in *Trecherous Texts: An Anthology of U.S. Suffrage Literature, 1846-1946*, by Mary Chapman and Angela Mills (Rutgers University Press, 2011), 20–23, <https://doi.org/10.36019/9780813550756-006>.

<sup>79</sup> *Ibid.*

<sup>80</sup> Shamma, *A History of Household Government in America*.

Blackstone's *Commentaries* had not hidden progress and precedents that conflicted with his vision of the law, perhaps the women's rights advocates would have had less to protest.<sup>81</sup>

Meanwhile, the Temperance Movement had been steadily raising awareness and support since the early 1800s. The primary goal of the movement was to prohibit the sale of alcohol, but Pleck describes this as "the first American reform campaign to depict for the public the cruelty of domestic violence."<sup>82</sup> In the 1840s, support from women grew as the movement conceptualized male violence as a direct consequence of alcohol, conceptualizing alcohol as a "grave threat to family life."<sup>83</sup> An obvious intersection between the broader women's rights movement and the Temperance Movement occurs at the famed Seneca Falls Convention; many of the Convention's attendees were also active in the cause for Temperance, and there is a great deal of overlap in the goals of the two movements.<sup>84</sup> Both movements represent the role of first-wave feminism in expanding the sphere of women's influence to include public matters of morality that threaten the domestic ideal. This work, led by Elizabeth Cady Stanton and Susan B. Anthony, promoted the potential of women and expanded the domestic authority of women to include public domain issues of morality, bringing greater attention to domestic abuse

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<sup>81</sup> Brewer, "The Transformation of Domestic Law."

<sup>82</sup> Pleck, *Domestic Tyranny*.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.* The movements diverge, however, regarding capacity of women: women's rights advocates argue for equity on the basis of Revolutionary ideas of consent and freedom, whereas Temperance activists seek protection for women on the gendered basis that as the weaker sex, women should be protected from the evils of the brutish drunkard. A Temperance effort that emphasizes the cause as anti-alcohol, not pro-woman, is seen in letters from advocate Jane Swisshelm in which she argues it is a criminal act for a woman to become a mother of a drunkard's child, and she should be punished. When the ideals of women's rights came into conflict with the tenets of Temperance, the tenets of temperance were valued and adhered to over the rights of women. Many (particularly men) involved in the Temperance Movement were explicitly opposed to including women in political life. As such, reformers invested in both movements established a women's temperance society at the intersection of these issues, separate from men's temperance groups.

and other issues affecting women. Further, temperance feminism “gave women the opportunity to be engaged in public political life for the first time.”<sup>85</sup>

Lovell notes, however, that this Cult of Domesticity only offered membership to wealthy, white women; the seizure of the moral high ground by these feminist activists rendered those on the margins of this identity “without a sense of self and belonging.”<sup>86</sup> According to White, the virtues of piety, purity, submissiveness, and domesticity extolled by these relatively wealthy white women “depended on the racism that debased black women.”<sup>87</sup> This yields a problematic conception of feminism rooted in the flawed premise that womanhood equates to whiteness; rather than taking an intersectional approach, this early feminism is inextricable from the hellish institution of slavery and, in many ways, runs counter to more modern conceptions of feminism rooted in liberation.

Despite these marginal gains, the movement lost its momentum in 1861 as the onset of the Civil War demanded the nation’s attention. Following the war, the courts would again shape domestic violence law, notably with the cases *State of North Carolina v. Black*, *Fulgham v. State of Alabama*, *State of North Carolina v. Oliver* decided in 1864, 1871, and 1874, respectively. In *State v. Black*, the court finds that the matter of domestic violence, the law must “not invade the domestic forum or go behind the curtain” unless a husband “inflicts permanent injury or uses such excessive violence or cruelty as indicates malignity or vindictiveness,” stating that “a husband is responsible for the acts of his wife and he is required to govern his household, and for that purpose

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<sup>85</sup> Tara Isabella Burton, “The Feminist History of Prohibition,” JSTOR Daily, January 6, 2016, <https://daily.jstor.org/feminist-history-prohibition/>.

<sup>86</sup> Kera Lovell, “History of U.S. Domestic Violence Before 1970,” in *Encyclopedia of Domestic Violence and Abuse*, ed. Laura L. Finley (Santa Barbara, CA: ABC-CLIO LLC, July 2013).

<sup>87</sup> Deborah Gray White, *Arnt I a Woman* (W. W. Norton & Company, 1999).

the law permits him to use towards his wife such a degree of force as is necessary to...make her behave herself.”<sup>88</sup> Contrasting with this ruling, *Fulgham v. State* establishes that a husband is “not justified or allowed by law to use [a weapon] for her moderate correction” and determines “the privilege, ancient though it be, to beat her with a stick, to pull her hair, choke her, spit in her face or kick her about the floor, or to inflict upon her like indignities, is not now acknowledged by our law.”<sup>89</sup> Further, this decision cites the recently updated constitutional principles to support this ruling: “...the constitution has wisely and justly extended the protective power of the State to all its people alike.”<sup>90</sup> Similarly, *State v. Oliver* holds that while “the Courts will not listen to trivial complaints” in order to “preserve the sanctity of the domestic circle,” they find that “the husband has no right to chastise his wife, under any circumstances.”<sup>91</sup> However, the court determines that these matters should be considered on a case-by-case basis, writing that “if no permanent injury has been inflicted, nor malice, cruelty, nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forget and forgive.”<sup>92</sup> Clearly, the court weighed the issue of protection against the issue of privacy, without firmly determining whether one was more important than the other, but implying that privacy issues should generally supersede protection from violence and equal protection under law.

Public opinion on the matter of family privacy would also change with an 1874 case involving an abused and neglected child named Mary Ellen. Prior to this point,

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<sup>88</sup> “The State v. Jesse Black, 60 N.C. 262,” CaseText, June 1, 1864, <https://casetext.com/case/state-v-black-274>.

<sup>89</sup> *Fulgham v. State*, No. 46 Ala. 143 (Supreme Court of Alabama June 1871).

<sup>90</sup> *Ibid.*

<sup>91</sup> *State v. Richard Oliver*, No. 70 N.C. 60 (Supreme Court of North Carolina January 1874).

<sup>92</sup> *Ibid.*

agencies to protect abused animals had formed, yet no such societies were available for victims of family violence.<sup>93</sup> According to Pleck, the case of Mary Ellen led to the creation of the first society devoted to child welfare and “helped alter the balance between the rights of parents and those of the state.”<sup>94</sup> Pleck also notes the Civil War increased public concern for social issues such as neglect and abuse, and increased the popularity of philanthropy—along with the desire of the wealthy and middle classes to “refashion the lives of the poor” in reaction to a period of industrialization, crime, and urban growth.<sup>95</sup> Despite the advent and growth of societies aimed at preventing and policing neglect and abuse, the impacts of these methods are unclear.

Mahan argues that the view of the Reconstruction movement to criminalize wife beating should be seen as “a postbellum response to the racialized and gendered convergence of the antebellum Master-slave and Husband-wife relationship,” not as evidence of success by feminist advocates to prevent violence against women.<sup>96</sup> This can be seen in the court cases that shaped the trajectory of domestic violence law in the postbellum period; the defendants in that critical 1871 case, *Fulgham v. Alabama*, were both black, and nearly all these decisive court cases were settled in the Reconstruction-Era south. Rather than protecting women from abuse, the subtext of this “progress” is a desire to maintain antebellum socio-legal norms in which protections for white women were enacted yet physical abuse of slaves was encouraged, ensuring “the authority to beat slave women...was a specifically white male prerogative.”<sup>97</sup> In other words, these wife-

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<sup>93</sup> Pleck, *Domestic Tyranny*.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> Margo Mahan, “The Racial Origins of U.S. Domestic Violence Law” (UC Berkeley, 2017), <https://escholarship.org/uc/item/0zs890k1>.

<sup>97</sup> *Ibid.*

beating laws served to criminalize the black family, as they effectively incarcerated black men while keeping “black women vulnerable to white male violence” in order to “restore a southern way of life that simultaneously controlled the labor and degraded the status of black families.”<sup>98</sup>

Of wife beating in the Reconstruction Era, Pleck writes on a raft of measures that would punish perpetrators of crimes including wife beating more harshly, reintroducing archaic methods of punishment such as the whipping post.<sup>99</sup> The last of these whipping posts was abolished in Maryland in 1950, yet “no permanent gains on behalf of battered women resulted from the whipping post campaign.”<sup>100</sup> In line with Mahan’s reasoning, Pleck notes that the reemergence of the whipping post in the 1890s resulted from “increased fears of black criminals,”<sup>101</sup> not the desire to hold perpetrators of domestic abuse accountable. In any case, efforts to support domestic violence victims or hold perpetrators accountable would once again stagnate until the next phase of advocacy and action—this time, in the Progressive Era of the 20<sup>th</sup> century.

### THE 20<sup>th</sup> CENTURY

The Progressive Era of American history spans from approximately 1900-1920, and marks a period of reinvigorated social activism, industrialization, and the use of the federal government to better society.<sup>102</sup> Though much of this work focused on curbing corporations by busting trusts, regulating private industry, and protecting laborers, Progressive reformers also worked for women’s rights.<sup>103</sup> Progressive reforms for and by

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<sup>98</sup> Mahan, “The Racial Origins of U.S. Domestic Violence Law.”

<sup>99</sup> Pleck, *Domestic Tyranny*.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> “The Progressive Era,” Khan Academy, 2016, <https://www.khanacademy.org/humanities/us-history/rise-to-world-power/age-of-empire/a/the-progressive-era>.

<sup>103</sup> *Ibid.*

women included the right to vote, enshrined in the Nineteenth Amendment, and the temporarily successful Eighteenth Amendment to prohibit the sale of alcohol.<sup>104</sup> At this time, specialized juvenile and family courts were developed and the state took a more active role in regulating the household.<sup>105</sup> However, this increased involvement did not necessarily benefit victims: rather than holding accountable the perpetrators of violence, specialized family courts developed in the Progressive Era sought to hold together violent families using a noncriminal approach.<sup>106</sup>

Instead of removing children from abusive caretakers, the state took on a stronger role in strengthening the family unit, and this had an adverse impact on child victims who lost “the most crucial weapon against child abuse...the removal of affected children from inadequate parents.”<sup>107</sup> Following the advent of psychology, the courts often attributed the phenomenon of wife-beating “to the sexual and biological problems of women,” blaming victims for the violence and overall regarding family violence “as a domestic disturbance rather than a violation of the law.”<sup>108</sup> Rather than determining whether the law had been violated, family court judges could “inquire into the couple’s sexual life and personal misunderstandings relatively unencumbered by the rules of evidence.”<sup>109</sup> The private home was now subject to public action, insofar as strengthening the family unit by mandating counseling rather than permitting divorce, and offering financial

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<sup>104</sup> *Ibid.*

<sup>105</sup> Ann-Marie Szymanski, “Child Abuse, Policy Communities, and Frame Contestation During the Progressive Era,” *Journal of Policy History* 31, no. 2 (April 2019): 167–91, <https://doi.org/10.1017/S0898030619000010>.

<sup>106</sup> Lovell, “History of U.S. Domestic Violence Before 1970.”

<sup>107</sup> Szymanski, “Child Abuse, Policy Communities, and Frame Contestation During the Progressive Era.”

<sup>108</sup> Pleck, *Domestic Tyranny*.

<sup>109</sup> *Ibid.*



benefits to assist the poor to raise their children such as mothers' pensions for deserted mothers and spousal social security benefits.<sup>110</sup>

A notable exception to this philosophy of family maintenance concerned the federal government's treatment of Native American children.<sup>111</sup> While enacting policies to keep white families together, the state worked to remove Native American children from their homes, forcing these children to attend residential schools with instruction on "Christianization" and rejection of their traditions, language, and culture.<sup>112</sup> In recent years, details of the atrocities of the residential system have come to light, particularly in Canada following its creation of a Truth and Reconciliation Commission in 2008, which defined this practice as cultural genocide.<sup>113</sup> Without even taking the cultural implications or the treatment of children within residential schools into consideration, the state was ripping apart Native families at the same time as it fought to bolster the white family unit. Clearly, the Progressive Era reforms were enacted with a limited definition of family in mind.

Though the state took on the role of regulating the household as private matters of family violence seeped into the public realm, this public involvement did not indicate a more serious attitude regarding family violence or the desire to find a solution to the plight of domestic violence. Though psychological frameworks for understanding abuse

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<sup>110</sup> Shammas, *A History of Household Government in America*.

<sup>111</sup> *Ibid.*

<sup>112</sup> "Struggling with Cultural Repression," in *Native Words, Native Warriors* (Smithsonian, National Museum of the American Indian), accessed November 27, 2022, <https://americanindian.si.edu/nk360/code-talkers/boarding-schools>.

<sup>113</sup> Phil Fontaine, Truth and Reconciliation Commission of Canada, and Aimée Craft, *A Knock on the Door: The Essential History of Residential Schools from the Truth and Reconciliation Commission of Canada, Edited and Abridged* (Winnipeg, Canada: University of Manitoba Press, 2015), <http://ebookcentral.proquest.com/lib/umaine/detail.action?docID=4801614>.

would continue to form, with newer frameworks replacing old conceptualizations<sup>114</sup>, the government again turned its attention away from the family towards other priorities—in this case, the Great Depression and World Wars I and II. Wife abuse would remain forgotten or ignored until the Women’s Movement of the 1970s.

### THE SECOND WAVE

The 1970s marked a period of Second Wave feminism and robust efforts to address domestic violence, resulting in the state’s articulation of its obligation to protect victims of private violence and prosecute perpetrators.<sup>115</sup> In other words, women would achieve the legal status to be afforded protection by the state. Advocates gained traction in several key areas that overlap with one another at various points in time: shelter services, criminal reforms, and a consciousness grounded in a new intellectual framework. While much of this action began in the 1970s, Pleck argues this movement began with the abortion and antirape advocacy efforts of the 1960s, which provided “the ideology, methods, and public acceptance necessary to for the emergence of the battered women’s cause.”<sup>116</sup> This was a period of both institutional advocacy, or efforts to change policies and systems, and individual advocacy, or pragmatic assistance to plan for victim safety and pursue her goals in the legal system.<sup>117</sup>

The battered women’s movement would begin with the development of shelters and crisis centers by grassroots advocates. A barrier faced by women attempting to escape violence was the lack of shelter services; women often could not leave abusive

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<sup>114</sup> Lovell, “History of U.S. Domestic Violence Before 1970.”

<sup>115</sup> Melanie Shepard and Ellen Pence, eds., “An Introduction: Developing a Coordinate Community Response,” in *Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond*, Sage Series on Violence Against Women (Sage Publications, 1999).

<sup>116</sup> Pleck, *Domestic Tyranny*.

<sup>117</sup> Shepard and Pence, “An Introduction: Developing a Coordinate Community Response.”

husbands as they had no place to go. In 1974, Minnesota-based organization Women’s Advocates operated a phone service to provide abused women with information about their legal options.<sup>118</sup> Due to need, this program expanded to offer shelter services, providing women with resources such as job counseling, schooling, and legal aid, in addition to refuge. Notably, Women’s Advocates emphasized autonomy and empowerment based on the understanding that “each woman must be free to choose her own consequences.”<sup>119</sup> In 1978, the National Coalition Against Domestic Violence (NCADV) was founded to fund shelter services and resource centers for victims of domestic violence.<sup>120</sup> Pence and Shepard conceptualize this as a movement not for the promotion of feminist ideology, but for the safety of women.<sup>121</sup>

This model for shelter was replicated throughout the country as more and more centers for refuge opened to assist victims of family violence.<sup>122</sup> In 1976, twenty shelters were available for battered women; by 1982, that number reached 300 shelters.<sup>123</sup> Even as shelters continued to open with the assistance of state and federal funds, demand for services still outpaced supply—according to Finley, in 1989, approximately 40% of those seeking shelter due to domestic violence were turned away due to lack of space.<sup>124</sup> This high demand helped illustrate the widespread, pervasive nature of domestic violence, and legitimized the battered women’s movement in the state’s view: “if there was a place for battered women to go and if large numbers of women went there, then a social problem

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<sup>118</sup> Pleck, *Domestic Tyranny*.

<sup>119</sup> *Ibid.*

<sup>120</sup> Amanda Mathisen Stylianou, “Batterer Intervention Programs,” in *Encyclopedia of Domestic Violence and Abuse*, vol. 1, 2 vols. (ABC-CLIO LLC, 2013).

<sup>121</sup> Shepard and Pence, “An Introduction: Developing a Coordinate Community Response.”

<sup>122</sup> Pleck, *Domestic Tyranny*.

<sup>123</sup> *Ibid.*

<sup>124</sup> Laura L. Finley, “History of Domestic Violence Developments, 1980s,” in *Encyclopedia of Domestic Violence and Abuse*, vol. 1, 2 vols. (ABC-CLIO LLC, 2013).

clearly existed.”<sup>125</sup> As a legitimate issue, domestic violence began to receive federal funding for research and shelter services, and the attention of lawmakers.<sup>126</sup>

This period also saw increased criminalization of domestic violence crimes. In the 1970s, feminist activists publicized police inaction and demanded law enforcement officers take family violence seriously by bringing class-action suits against police for refusing to arrest perpetrators of family violence, and against court personnel for refusing to grant or enforce protection orders.<sup>127</sup>

Another key outcome of this era was the push to address this violence by holding batterers’ accountable through criminalization of domestic violence, specifically, by improving the law enforcement response to domestic violence. An issue faced by victims of domestic violence prior to this movement was inadequate police response; when called in due to a domestic disturbance, police often failed to show up altogether, or referred victims to counseling services rather than arresting the perpetrator.<sup>128</sup> Women advocates in the 1970s fought back against inefficient police departments and court personnel in a swath of suits throughout the country, notably with *Scott v. Hart* and *Bruno v. Codd*.

*Scott v. Hart* was a class-action suit filed on behalf of the women of Oakland, California, who “received either an inadequate response or none at all” from the Oakland Police Department upon calling for protection from abuse.<sup>129</sup> In result from this case, officers’ discretion to avoid arrest was reduced and domestic violence was to be treated

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<sup>125</sup> Pleck, *Domestic Tyranny*.

<sup>126</sup> Kera Lovell, “History of U.S. Domestic Violence Developments, 1970s,” in *Encyclopedia of Domestic Violence and Abuse*, July 2013.

<sup>127</sup> Pleck, *Domestic Tyranny*.

<sup>128</sup> *Ibid*.

<sup>129</sup> Pauline W. Gee, “Ensuring Police Protection for Battered Women: The Scott v. Hart Suit,” *Signs* 8, no. 3 (1983): 554–67.

like any other criminal behavior, in that the city was obligated to obtain support services.<sup>130</sup> Further, officers' would be trained to provide victims with resource cards.<sup>131</sup>

*Bruno v. Codd* established that New York City police "must arrest men who commit felonious assaults; send out officers for every call from a battered woman; arrest in misdemeanor cases unless there is justification not to arrest; arrest where a husband has violated a protection order; assist the women in receiving medical help; search for a husband who has fled the scene of the crime."<sup>132</sup> As a result, states across the nation adopted mandatory arrest policies in response to domestic violence calls.<sup>133</sup>

As these various actions built upon and lent legitimacy to one another, feminist legal activists fought to transform the legal environment for women and the state took a greater interest in domestic violence protections. Between 1976 and 1980, new laws that provided funding for shelters and resource centers, improved reporting procedures, repealed intraspousal tort immunity, and established criminal court procedures proliferated throughout the United States.<sup>134</sup> In 1984, Congress enacted the Family Violence Prevention and Services Act (FVPSA) to provide shelter assistance and additional funding for family violence victims.<sup>135</sup>

Also in 1984, the Minneapolis Domestic Violence Experiment (MDVE) was published by Drs. Sherman and Berk.<sup>136</sup> Funded by the National Institute of Justice, the goal of this experiment was to identify the most effective method of reducing repeated

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<sup>130</sup> *Ibid.*

<sup>131</sup> Lovell, "History of U.S. Domestic Violence Developments, 1970s."

<sup>132</sup> *Ibid.*

<sup>133</sup> Lovell, "History of U.S. Domestic Violence Before 1970."

<sup>134</sup> Pleck, *Domestic Tyranny*.

<sup>135</sup> Lisa N. Sacco, "The Violence Against Women Act: Overview, Legislation, and Federal Funding," Congressional Research Service, May 26, 2015.

<sup>136</sup> Finley, "History of Domestic Violence Developments, 1980s."

incidents of violence. Researchers found that the best police response to reduce subsequent violence was arresting the perpetrator.<sup>137</sup> Further, Sherman and Berk found that methods traditionally employed by police such as attempting to counsel the parties or temporarily separating the parties were “considerably less effective in deterring future violence.”<sup>138</sup> While they clarify that these results “do not necessarily imply that all suspected assailants in domestic violence incidents should be arrested,” they do state that “the preponderance of evidence...strongly suggests that the police should use arrest in most domestic violence cases.”<sup>139</sup> The lawsuits filed on behalf of women who sought help from the police or the courts, but were ignored, in tandem with the publication of the Minneapolis Experiment, further emphasized the growing desire for law enforcement to take on a more robust response to domestic violence.

This recognition of domestic violence as a serious social issue did not happen overnight. These various legislative changes came with the development of feminist theories regarding domestic violence and a corresponding shift in public opinion. Domestic violence scholarship began in earnest in this period, with sociological research aimed at understanding the prevalence of domestic abuse and research focused on answering the question of why women stay in abusive relationships.<sup>140</sup>

In 1977, Dr. Lenore Walker published the findings from “Battered Woman Syndrome,” (BWS) a study funded by the U.S. National Institutes of Mental Health (NIMH).<sup>141</sup> This study found consistent patterns of symptoms affecting women who had

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<sup>137</sup> *Ibid.*

<sup>138</sup> Lawrence W Sherman and Richard A Berk, “The Minneapolis Domestic Violence Experiment,” *Police Foundation Reports*, 1984, 13.

<sup>139</sup> *Ibid.*

<sup>140</sup> Pleck, *Domestic Tyranny*.

<sup>141</sup> Walker, *The Battered Woman Syndrome*.

been physically, sexually, and/or psychologically abused in an intimate relationship in which the abuser “exerted power and control to coerce her into doing whatever he wanted, without regard for her rights or feelings.”<sup>142</sup> Walker raises the concept of learned helplessness as an explanation for why women may stay in abusive relationships.

Critics of Walker’s theory argue this characterizes battered women as helpless, and that the term ‘syndrome’ implies a deficit,<sup>143</sup> though Walker suggests “the battered woman is not helpless at all but rather skilled at staying alive and minimizing her physical and psychological injuries in a brutal violence.”<sup>144</sup> In addition to providing an explanation for why women may stay in dangerous relationships, this work was also used as a legal defense for women accused of murdering their abuser, explaining why women may use violent forms of self-defense to after years of abuse.<sup>145</sup>

Another intellectual development was the idea that perpetrators must be held accountable for their actions. A key tactic to accomplish this end was the development of batterer’s intervention programs. Shelters offered much needed refuge, but they were limited--they provided relief for those affected by domestic violence, but did not take measures to prevent that violence from occurring in the first place. In response to the need for proactive mitigation of abuse, advocates designed and promoted batterer intervention programs.<sup>146</sup>

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<sup>142</sup> *Ibid.*

<sup>143</sup> Kathryn Goesel, “Battered Woman Syndrome,” in *Encyclopedia of Domestic Violence and Abuse*, vol. 1, 2 vols. (ABC-CLIO LLC, 2013).

<sup>144</sup> Walker, *The Battered Woman Syndrome*.

<sup>145</sup> Goesel, “Battered Woman Syndrome.” BWS is no longer treated as a standalone syndrome, but a form of Post-Traumatic Stress Disorder (PTSD).

<sup>146</sup> Stylianou, “Batterer Intervention Programs.”

Activists sought to end the cycle of violence by developing treatment programs for offenders, characterizing abuse as the fault of the abuser, not the victim.<sup>147</sup> The earliest and most prominent of these programs is the Duluth Model.”<sup>148</sup>

Designed by advocates at the Domestic Abuse Intervention Project in Duluth, Minnesota, in 1980, the Duluth Model is a framework for community intervention that is now called a coordinated community response, or CCR. The Duluth Model involves interagency coordination and cooperation to support victims and better hold accountable perpetrators of violence through an educational program.<sup>149</sup> The Duluth Model holds that abusers utilize behaviors of abuse to assert power and maintain control of the victims, visualized with the now-ubiquitous “Power and Control Wheel.”<sup>150</sup> In addition to this educational aid, the Duluth Model provides a batterer’s intervention curriculum focused on nonviolence, nonthreatening behavior, respect, support and trust, honesty and accountability, sexual respect, partnership and negotiation, and fairness.<sup>151</sup> The goal of the Duluth program for perpetrators was to stop violence by holding perpetrators accountable, offering offenders opportunity for changing abusive behavior, and ensuring due process.<sup>152</sup>

Stylianou notes that a conventional view considers anger management as an intervention, but feminist scholars reject anger management counseling as a batterer’s intervention, arguing that this approach minimizes the abuser’s responsibility; instead,

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<sup>147</sup> Pleck, *Domestic Tyranny*.

<sup>148</sup> Stylianou, “Batterer Intervention Programs.”

<sup>149</sup> Shepard and Pence, “An Introduction: Developing a Coordinate Community Response.”

<sup>150</sup> Stylianou, “Batterer Intervention Programs.”

<sup>151</sup> *Ibid.*

<sup>152</sup> Shepard and Pence, “An Introduction: Developing a Coordinate Community Response.”



they favor a model based on the idea that abuse is a choice, and “perpetrators choose to engage in abusive behaviors to gain power and control over victims.”<sup>153</sup>

As criminalization of domestic violence increased, the population of domestic violence convicts increased, and funding was made available for these intervention programs as a treatment program for individuals arrested for battery.<sup>154</sup> As a result, states across the nation mandated individuals convicted of domestic violence to complete a batterer’s intervention program. However, the effectiveness of these programs is subject to debate, and questions about the legitimacy of this strategy abound.<sup>155</sup>

In exchange for this government assistance and legislative progress, domestic violence advocacy organizations had to dilute feminist rhetoric in order to receive federal funding; alongside this shift in rhetoric came a shift in the model by which those organizations operated, specifically, a turn to clinical language: “because federal funds were designated for services and not community education, more attention was focused on individual counseling and less on peer support and advocacy...to maintain these government contracts, they needed to provide evidence that their interventions were having the desired effect...slowly, staff began talking about *treatment for clients* rather than *empowerment for battered women*.”<sup>156</sup>

Further, this movement was far from perfect. Shepard and Pence note that a shortcoming of this movement was the centering of white women; specifically, they state that the vast majority of research pertaining to domestic violence at this time was

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<sup>153</sup> Stylianou, “Batterer Intervention Programs.”

<sup>154</sup> *Ibid.*

<sup>155</sup> Robert Geffner and Alan Rosenbaum, eds., *Domestic Violence Offenders: Current Interventions, Research, and Implications for Policies and Standards* (New York: The Haworth Maltreatment and Trauma Press, 2001).

<sup>156</sup> Finley, “History of Domestic Violence Developments, 1980s.”

authored by white women, and most structural leadership positions within advocacy organizations were occupied by white women.<sup>157</sup> This white-centered conversation regarding options for addressing domestic violence focused on strategies to keep white women safe, while barriers faced by women of color, such as discrimination in courts, were largely ignored.<sup>158</sup> In 1985, Evelyn White published the first book dedicated to black women experiencing domestic violence, but “the dominant frame of white victims remained the focus of public attention,” causing some fracturing within the movement as women of color began to organize separately “to address their unique needs” that result from “living in not just a patriarchal but also racist society.”<sup>159</sup>

Further, they argue the court reforms of the 1970s would be used for ill: “many of the laws and regulations passed were either ignored or cynically turned against battered women or against men in marginal positions in society...thousands of women in the United States have been charged with assault when they have fought back with an abuser; many others have been punished for failing to cooperate with the prosecutor’s efforts to enforce criminal statutes against batterers...as a direct result of the reform efforts that envisioned a more active role for the courts in intervention, battered women have been charged with filing false police reports, failing to obey subpoenas, and neglecting their children.”<sup>160</sup>

In line with the constant ebb and flow of action and reaction, the domestic violence movement faced pushback in the 1980s. The New Right sought to reform the

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<sup>157</sup> Shepard and Pence, “An Introduction: Developing a Coordinate Community Response.”

<sup>158</sup> *Ibid.*

<sup>159</sup> Finley, “History of Domestic Violence Developments, 1980s.”

<sup>160</sup> Shepard and Pence, “An Introduction: Developing a Coordinate Community Response.”

family unit by restoring the power of the father and the subordination of the wife.<sup>161</sup> Bills that provided federal funding to shelters were no longer brought up to be voted on as the New Right characterized the battered women's movement as "war on the traditional family."<sup>162</sup> After President Reagan took office, the young Office of Domestic Violence, founded by President Jimmy Carter just three years before, was dismantled in 1981.<sup>163</sup> In 1991, Faludi characterizes this as an antifeminist "backlash," or a set of social, political, cultural, and legal trends that punish successful women.<sup>164</sup> Despite these threats to the movement's survival and this "undeclared war on American women,"<sup>165</sup> the battered women's movement would push on, though its agenda "had been considerably tamed by the coalitions and compromises it made in order to receive state and federal funding."<sup>166</sup> Finley characterizes the efforts of the federal government as both helpful and hurtful to the domestic violence movement.<sup>167</sup>

All in all, the developments of the 1970s and beyond were hugely influential on the history of domestic violence in the United States. Women advocates successfully reshaped the interest of the state to protect individuals from harm within private relationships. However, the battle against domestic violence was nowhere near over. Though the 1970s saw a great change in public opinion regarding domestic violence, the public-private debate would persist into the new millennium.

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<sup>161</sup> Pleck, *Domestic Tyranny*.

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

<sup>164</sup> Susan Faludi, *Backlash: The Undeclared War Against American Women*, 15th anniversary edition, 1st Three Rivers Press edition (New York: Three Rivers Press, 2006).

<sup>165</sup> *Ibid.*

<sup>166</sup> Pleck, *Domestic Tyranny*.

<sup>167</sup> Finley, "History of Domestic Violence Developments, 1980s."

## THE THIRD WAVE

In the period from 1990 to the early 2000s, the domestic violence movement continued to build on successful efforts of the 1970s and 1980s while expanding institutional and individual advocacy. Outcomes include expanded federal funding, continued adoption of legislation to protect victims and prosecute perpetrators, and additional scholarship.

The Violence Against Women Act (VAWA) was enacted in 1994 as “the first federal legislation acknowledging domestic violence and sexual assault as crimes and provided federal resources to encourage community coordinated responses to combating violence against women.”<sup>168</sup> In order to administer grant funding under VAWA, the government created the Office on Violence Against Women under the Department of Justice,<sup>169</sup> replacing the short-lived Office of Domestic Violence shuttered by Reagan. In addition to funding, VAWA held that gender-based violence is a violation of women’s civil rights, and they may sue the perpetrator, and strengthened protection from abuse by making restraining orders valid across state lines.<sup>170</sup> VAWA funds also provided for the creation of the National Domestic Violence Hotline in 1996 to provide assistance to domestic violence victims nationwide.

With this influx of federal support, domestic violence resource centers were strengthened, and the issue of domestic violence was “acknowledged as an unacceptable social challenge.”<sup>171</sup> Though women now had “a legal escape and a choice,” critics argue

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<sup>168</sup> “Violence Against Women Act,” *NNEDV* (blog), accessed November 28, 2022, <https://nnedv.org/content/violence-against-women-act/>.

<sup>169</sup> Sacco, “The Violence Against Women Act: Overview, Legislation, and Federal Funding.”

<sup>170</sup> Catherine Ekwe Ngozi, “History of U.S. Domestic Violence Developments, 1990s,” in *Encyclopedia of Domestic Violence and Abuse*, vol. 1, 2 vols. (ABC-CLIO LLC, 2013).

<sup>171</sup> *Ibid.*

that the VAWA provisions do not do enough to address the needs of victims.<sup>172</sup> Though public opinion had clearly undergone an immense transformation over the years, the matter of whether domestic violence was a private or personal issue was not yet settled. Despite these gains, domestic violence remains a pervasive and deadly problem, yet the question of whether domestic violence is a public or private matter is not quite over. While criminalization of domestic violence is now standard, suggesting it is the prerogative of the state to protect victims of private violence, contradictions are abundant:

On the one hand, the criminalization of domestic violence transforms what authorities might have previously dismissed as a husband's prerogative into a problem warranting intervention and even sanctions. On the other hand, very low reporting levels, police and judicial indifference, and a pattern of blaming the victim all suggest that many people, including some victims, continue to see domestic violence as a private matter that should not be subject to public scrutiny or intervention.<sup>173</sup>

By and large, the efforts of the 1990s and 2000s built upon the framework of the 1970s. Activists sought additional funding for existing responses, such as the shelter programs and batterer intervention programs, while building additional resources for victims and survivors of domestic violence. Also strengthened during this period was the coordinated community response (CCR) model to domestic violence intervention. Established as a part of the Duluth Project, a CCR includes victim advocates, law enforcement, prosecutors, probation officers, mental health providers, court personnel, and policymakers to promote and centralize victim safety.<sup>174</sup> However, the efforts of the

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<sup>172</sup> *Ibid.*

<sup>173</sup> Kelly, *Domestic Violence and the Politics of Privacy*.

<sup>174</sup> Coral McDonnell and Ellen Pence, "Developing Policies and Protocols," in *Coordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond*, ed. Melanie Shepard and Ellen Pence, Sage Series on Violence Against Women (Sage Publications, n.d.).

2000s did not blindly build on older work. While First and Second Wave feminisms primarily (or exclusively) focus on white women, this Third Wave turns towards marginalized or nontraditional victim demographic groups, designing services for and researching the experiences of teen victims, male victims, immigrant victims, LGBTQ+ victims, and victims with disabilities.<sup>175</sup> Further, in this Wave, the efforts of the past are reconsidered and reevaluated in a new light. One such study evaluates Kentucky's mandatory reporting law, a policy resulting from the criminalization of domestic violence.

In this study, researchers administered 388 surveys in an in-person setting. Participants were women who have sought services from any of Kentucky's 15 domestic violence shelters. Questions included demographic items to gather information such as the participant's age, number of children, education status, relationship status, employment status, and race/ethnicity. Research questions centered around six constructs: injuries sustained and prior reporting, what happened following the report, the impact of the knowledge of mandatory reporting on the decision to seek services or share information with providers, and general opinions regarding mandatory reporting. To assess the factors that influence women's views on the mandatory reporting of domestic violence, researchers excluded participants who did not indicate any opinion on the state's existing mandatory reporting laws, leaving the 35.7% of women who indicated either support or a lack of support for the existing mandatory reporting laws. This subset was assessed against a nominal logistic regression model to estimate the odds of support

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<sup>175</sup> Laura L. Finley, "History of U.S. Domestic Violence Developments, 2000s," in *Encyclopedia of Domestic Violence and Abuse*, vol. 1, 2 vols. (ABC-CLIO LLC, 2013).

for the law among the women surveyed, and researchers used demographic measures converted to binary as control variables.

Kentucky, a state with a mandatory reporting law that requires domestic violence, defined for the purposes of the statute as “the infliction of injury, unreasonable confinement, intimidation, or punishment resulting in physical harm or pain, including mental injury,” to be reported to the Cabinet for Health and Family Services by any person.<sup>176</sup> Once a report is filed and received by the Cabinet, adult protective services officials are required to attempt to contact the victim and offer services.<sup>177</sup> This study finds that mandatory reporting laws may depress help-seeking, and that prior knowledge of the mandatory reporting requirements produced a chilling effect—knowledge of this law deters the disclosure of abuse to health care providers.<sup>178</sup>

According to Jordan and Pritchard, nearly two in five women reported that they would be less likely to seek help if it would result in a report to the state. Of these results, the researchers write that “support for a universal mandatory reporting law is perhaps limited to those who would be encouraged and more likely to report to a shelter or therapist knowing that additional resources from the State would result; however, women’s medical decision making appears to be independent of their views on mandatory reporting,” indicating medical help-seeking is considered independently from seeking shelter or mental health services.<sup>179</sup>

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<sup>176</sup> Carol E. Jordan and Adam J. Pritchard, “Mandatory Reporting of Domestic Violence: What Do Abuse Survivors Think and What Variables Influence Those Opinions?,” *Journal of Interpersonal Violence* 36, no. 7–8 (April 1, 2021): NP4170–90, <https://doi.org/10.1177/0886260518787206>.

<sup>177</sup> *Ibid.*

<sup>178</sup> *Ibid.*

<sup>179</sup> *Ibid.*

The findings of this research are limited in generalizability as the views of Kentucky women on this unique Kentucky-specific law can only definitively provide information respective to the Kentucky women surveyed. Further, as the sample was drawn from women currently utilizing shelter services, views from those who had previously sought services or chose not to seek shelter were not included. Additionally, this study cannot be directly compared to other similar studies as the results lack standardization. With that said, the idea that the law may be at odds with the preferences of the victim is an important consideration as the impacts of the criminalization of domestic violence are revealed.

As domestic violence is treated more seriously by scholars, a variety of literature is available from multiple disciplines regarding a variety of subtopics related to domestic violence, such as reports on bystander intervention, the economic and societal costs of domestic violence, and the elimination of gender-based violence worldwide. The 2000s also saw the development of campaigns dedicated to raising awareness, preventing violence, and involving men in feminist activism.<sup>180</sup>

Additionally, a dearth of literature assessing the outcomes and effectiveness of various programs has emerged over the years. The development of the internet and subsequent technological explosion has emerged as an important area of focus for researchers of domestic violence, as technology has emerged as both a means to promote victim safety and to perpetrate abuse.<sup>181</sup> Though several studies have been published on

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<sup>180</sup> Finley, “History of U.S. Domestic Violence Developments, 2000s.”

<sup>181</sup> Lyria Bennett Moses et al., “Technology-Facilitated Domestic and Family Violence: Protecting the Privacy and Safety of Victim-Survivors,” *Law, Technology and Humans* 4, no. 1 (2022): 1–17.



topics pertinent to technology and domestic violence,<sup>182</sup> additional research is still important, especially as the technological landscape continues to change. Another consideration for future research is the need for education on both technology-facilitated abuse and technology-facilitated safety planning for advocates, law enforcement, and others responsible for victim safety.

Despite the immense forward progress made by the movement since the 1960s, the movement was not unchallenged. In 2005, the Supreme Court issued a 7-2 decision in the case *Castle Rock v. Gonzales*, ruling that the constitution does not ensure victims entitlement to the enforcement of protection orders.<sup>183</sup> Bettinger-Lopez describes this as a “negative rights framework” for human rights, or one where the state does not have an interest in protecting an individual from private acts of violence, and she argues this runs counter to the principles of civil rights and international human rights.<sup>184</sup> This decision was eventually disputed in 2011 by the Inter-American Commission on Human Rights, which found “that the U.S. Supreme Court had erred and that the enforcement of restraining orders is a fundamental human right.”<sup>185</sup>

A stream of activism diverging from the recent developments has been a return to centering the victim of violence. For some agencies, this means the refusal of outside

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<sup>182</sup> Heather Douglas, Bridget A Harris, and Molly Dragiewicz, “Technology-Facilitated Domestic and Family Violence: Women’s Experiences,” *The British Journal of Criminology* 59, no. 3 (April 9, 2019): 551–70, <https://doi.org/10.1093/bjc/azy068>.

<sup>183</sup> “*Castle Rock v. Gonzales*,” Oyez, accessed November 28, 2022, <https://www.oyez.org/cases/2004/04-278>.

<sup>184</sup> “Violence Against Women in the Inter-American Human Rights System: A Case Study of *Jessica Gonzales v. United States*,” Council on Foreign Relations, accessed November 28, 2022, <https://www.cfr.org/event/violence-against-women-inter-american-human-rights-system-case-study-jessica-gonzales-v>.

<sup>185</sup> Finley, “History of U.S. Domestic Violence Developments, 2000s.”

money with grassroots mobilization and fundraising in its place so that organizations did not have to sacrifice elements of their advocacy to soothe funders.<sup>186</sup>

In 2020, however, researchers focused on an immediate, practical question necessitated by the COVID-19 pandemic: what happens now?

### COVID-19

At the onset of the COVID-19 pandemic, global experts warned that the COVID-19 pandemic along with subsequent containment policies could exacerbate domestic violence. UN Women described the threat of this “shadow pandemic” in a 2020 UN Women public awareness campaign featuring prominent actress and activist Kate Winslet.<sup>187</sup> Other researchers described these dual public health crises as “the endemic amid the pandemic”<sup>188</sup> or a “pandemic a within a pandemic.”<sup>189</sup> This reasoning is informed by earlier research that illustrates the relationship between natural disasters and intimate partner violence. Repeatedly, researchers turn to lessons learned from Hurricane Katrina, noting that following this natural disaster, domestic violence-related police calls and arrests increased, as did severity associated with those arrests.<sup>190</sup> Natural disaster events such as Hurricane Katrina are linked to increased rates of incidents of domestic

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<sup>186</sup> *Ibid.*

<sup>187</sup> “The Shadow Pandemic: Violence Against Women During COVID-19,” UN Women – Headquarters, accessed September 18, 2022, <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>.

<sup>188</sup> Susan B. Sorenson, Laura Sinko, and Richard A. Berk, “The Endemic Amid the Pandemic: Seeking Help for Violence Against Women in the Initial Phases of COVID-19,” *Journal of Interpersonal Violence* 36, no. 9–10 (May 2021): 4899–4915, <https://doi.org/10.1177/0886260521997946>.

<sup>189</sup> Megan L. Evans, Margo Lindauer, and Maureen E. Farrell, “A Pandemic within a Pandemic — Intimate Partner Violence during Covid-19,” *New England Journal of Medicine* 383, no. 24 (December 10, 2020): 2302–4, <https://doi.org/10.1056/NEJMp2024046>.

<sup>190</sup> Frederick P. Buttell and Michelle Mohr Carney, “Examining the Impact of Hurricane Katrina on Police Responses to Domestic Violence,” *Traumatology* 15 (2009): 6–9, <https://doi.org/10.1177/1534765609334822>; Pam Jenkins and Brenda Phillips, “Battered Women, Catastrophe, and the Context of Safety after Hurricane Katrina,” *NWSA Journal* 20, no. 3 (2008): 49–68.

violence as well as an increase in the severity of that violence.<sup>191</sup> In response to these warnings and this history of worsening violence in times of disaster, the first wave of research attempts to describe and address emerging needs of domestic violence victims, survivors, and agencies involved in the prevention of violence.

Emezue provides an early-pandemic guide on common practices emerging to support survivors during stay-at-home advisories, outlining various digital solutions and interventions to assist domestic violence survivors during the COVID-19 pandemic and describing various challenges survivors may experience in accessing and utilizing these technologies.<sup>192</sup> This paper notes that violence did not begin with the pandemic, yet the harmful effects of domestic and intimate partner violence are amplified during this period of disaster.<sup>193</sup> As this study was conducted early in the pandemic, it cites contemporary fears of increases in a variety of conditions and crimes, including femicide during the lockdown, due to increased sales of firearms and ammunition at the outset of the pandemic, an exacerbation of the mental health crises.<sup>194</sup> Additionally, they turn to epidemiologic literature that shows increased gender-based violence during and immediately following high-level catastrophic events.<sup>195</sup>

This paper compiles guidance regarding the use of digital interventions, digital solutions for working with survivors remotely, digital solutions for working with perpetrators and abusers remotely, and digital tools for other professionals involved in

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<sup>191</sup> Catherine Kaukinen, “When Stay-at-Home Orders Leave Victims Unsafe at Home: Exploring the Risk and Consequences of Intimate Partner Violence during the COVID-19 Pandemic,” *American Journal of Criminal Justice* 45, no. 4 (2020): 668–79, <https://doi.org/10.1007/s12103-020-09533-5>.

<sup>192</sup> Chuka Emezue, “Digital or Digitally Delivered Responses to Domestic and Intimate Partner Violence During COVID-19,” *JMIR Public Health and Surveillance* 6, no. 3 (July 30, 2020): e19831, <https://doi.org/10.2196/19831>.

<sup>193</sup> *Ibid.*

<sup>194</sup> *Ibid.*

<sup>195</sup> *Ibid.*

responding to COVID-19-related domestic violence. This paper is a systematic review of pre-COVID-19 and contemporary research on the topic of digital tools for domestic violence, compiled in response to the adverse impact of early pandemic policies on survivor safety. This design is appropriate in supporting professionals by providing information, but it fails to contribute novel data on the topic; the research design is appropriate for this limited question in this specific time point during lockdown. This paper finds that digital responses and technological tools, when designed thoughtfully and with consideration of victims and the dynamics of abuse, can provide aid to those who might not be able to access any other assistance.

Before COVID-19, several evidence-based digital interventions and safety decision aids were created, including myPlan, I-Decide, and *iSafe*. These tools are especially important during the pandemic because their function is not impacted by the pandemic circumstances. In response to the pandemic, several countries began to offer expanded web-based online services for victims of violence, including digitalized responses, continued and/or increased funding for domestic violence resource centers and hotlines, telehealth/telecounseling services, online support groups, confidential messaging. Additionally, social media awareness campaigns (#YouAreNotAlone) are included among the digital tools used to work with survivors remotely during lockdowns.<sup>196</sup> Other digital responses to the pandemic include the implementation of electronic bail and sentencing monitoring, maintaining digital court attendance records, allowing for the electronic submission of protection order paperwork, publishing guidance for remote hearings, and training court staff on how to appropriately use these

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<sup>196</sup> *Ibid.*

tools. Advantages of digital interventions include access to real-time services despite pandemic restrictions.

However, it notes challenges and limitations in using these tools. Survivors and abusers in treatment may face barriers in accessing digital services, such as a lack of internet connectivity, a lack of technology equipment, such as a cellphone or laptop device. Even if survivors have the internet and an internet-capable device, they may experience other challenges, such as a lack of familiarity with using technology in general, or technical illiteracy; this is especially prevalent among older adults, considered to be “digital immigrants.”<sup>197</sup> Digital tools may fail to meet the cultural needs of vulnerable populations.<sup>198</sup> Abusers are known to use digital monitoring to maintain coercive control of their victims; it may not be safe for survivors to use digital tools if they are being monitored by their abuser.<sup>199</sup> Abusers are using a variety of technology-based tactics to perpetrate abuse; with the pandemic, there has been an increase in the prevalence of technology-based abuse including online stalking, doxing, and revenge porn. Due to these challenges and more, the researcher highlights the importance of carefully designed safety features that prioritize victim/survivor safety.<sup>200</sup> Additionally, as agencies transition rapidly to remote service provision, agencies may experience a burden on staff to quickly learn and adapt to new technologies, insufficient budgets to acquire IT infrastructure and implement necessary safety features.

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<sup>197</sup> *Ibid.*

<sup>198</sup> *Ibid.*

<sup>199</sup> *Ibid.*

<sup>200</sup> *Ibid.*

Another study conducted very early on in the pandemic portrays the concerns of domestic violence advocates pertinent to housing for survivors.<sup>201</sup> On March 19, 2020, the National Alliance for Safe Housing (NASH) and the federal Domestic Violence Housing Technical Assistance Consortium co-hosted a Zoom meeting entitled “COVID-19 Resources and Response,” in which advocates identified concerns regarding managing residential housing programs in the face of uncertainty around pandemic containment measures, ensuring staff can work safely, and maintaining organizational operations.<sup>202</sup> Prior to this study, no literature addressed the disruption to service provision caused by COVID-19.<sup>203</sup> While its immediate purpose was to summarize in succinct recommendations potential solutions to the challenges experienced by providers, it also captures the anxieties and concerns of domestic violence advocates shortly after the onset of the pandemic.

A group of Italian researchers reviewed the body of pandemic literature published between March and November 2020, providing a chart detailing study type, journal title, article type, and the principle aims of the literature.<sup>204</sup> They found that most of these papers proposed novel strategies for managing domestic violence during the pandemic. Others sought to raise awareness around the problem of domestic violence during the pandemic and examined trends in data to examine the extent to which domestic violence

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<sup>201</sup> Nkiru Nnawulezi and Margaret HacsKaylo, “Identifying and Responding to the Complex Needs of Domestic Violence Housing Practitioners at the Onset of the COVID-19 Pandemic,” *Journal of Family Violence* 37, no. 6 (2022): 915–25, <https://doi.org/10.1007/s10896-020-00231-8>.

<sup>202</sup> *Ibid.*

<sup>203</sup> *Ibid.*

<sup>204</sup> A. Viero et al., “Violence against Women in the Covid-19 Pandemic: A Review of the Literature and a Call for Shared Strategies to Tackle Health and Social Emergencies,” *Forensic Science International* 319 (February 2021): 110650, <https://doi.org/10.1016/j.forsciint.2020.110650>.

worsened during this period. However, many of the articles examined by Viero et al. did not contain original research, limiting the reliability of the conclusions drawn.

Despite the reported sense that domestic violence worsened during the pandemic, the actual trends in incidence and severity of domestic violence during the COVID-19 pandemic are not so obvious. Piquero and Kurland examine the impacts of the pandemic on patterns of domestic violence in Miami-Dade County to see whether domestic violence incidents increased as predicted during the pandemic.<sup>205</sup> This study finds that during lockdown periods, there is some evidence of early increases in domestic violence, yet overall, domestic violence arrest rates remained stable throughout the research period. This study utilizes arrest data for Miami-Dade County between January 2018 and September 2020 to forecast the daily number of domestic violence arrests, which were later compared against actual daily domestic violence arrests during that period.<sup>206</sup> This 2018-2020 span was composed of two shorter forecasting windows that correspond to stay-at-home orders in place for the county. To improve forecast accuracy and account for seasonality, the researchers implemented date-based feature engineering to account for variables.<sup>207</sup> The research methods were appropriate in determining patterns for domestic violence-related arrests during the lockdown periods of the COVID-19 pandemic, but this approach that only considers arrests fails to capture those domestic incidents that went unreported or to which police responded but made no arrest.

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<sup>205</sup> Alex R. Piquero, Nicole Leeper, and Justin Kurland, "A Case Study of Domestic Violence Arrests During the COVID-19 Pandemic in Miami-Dade County," *Victims & Offenders* 16, no. 8 (November 2021): 1077–88, <https://doi.org/10.1080/15564886.2021.1948477>.

<sup>206</sup> *ibid.*

<sup>207</sup> *ibid.*

In contrast to this approach, Miller et al. examine a similar question at a similar scale but utilizes a novel methodology. In their study of domestic violence during the pandemic in Los Angeles, they analyze data sourced from police sources, including calls to police related to domestic violence service, incidents of crime, and arrests, in addition to a non-police data source; calls to the domestic violence hotline serving Los Angeles County (LAC).<sup>208</sup> They found that calls to the hotline and to police for reasons related to domestic violence increased during the lockdown, yet arrests for domestic violence crime decreased.<sup>209</sup>

Campedelli et al. examine the impact of COVID-19 containment policies on criminal activity in Chicago.<sup>210</sup> This study does not specifically examine domestic violence-related criminal arrests; it accounts for arrests resulting from assaults but does not clarify either the nature of the relationship between the victim and assailant or the circumstances around the arrests. However, it does incorporate a community-level perspective by breaking down data to independently analyze each of the 77 communities within Chicago.<sup>211</sup> Researchers then analyze differences in crime trends across communities and provide a correlative map denoting crime-related, socioeconomic, and health and demographic characteristics for each of those communities.<sup>212</sup> They found that crime trends do not behave uniformly throughout a city and that different factors within different communities are associated with community-level reductions in crime.

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<sup>208</sup> Amalia R Miller, Carmit Segal, and Melissa K Spencer, “Effects of the COVID-19 Pandemic on Domestic Violence in Los Angeles,” November 2020, 34.

<sup>209</sup> *Ibid.*

<sup>210</sup> Gian Maria Campedelli et al., “Disentangling Community-Level Changes in Crime Trends During the COVID-19 Pandemic in Chicago,” *Crime Science* 9, no. 1 (December 2020): 1–18, <https://doi.org/10.1186/s40163-020-00131-8>.

<sup>211</sup> *Ibid.*

<sup>212</sup> *Ibid.*



Sorenson et al. examined help-seeking behaviors of intimate partner violence in Philadelphia, Pennsylvania following the statewide declaration of emergency, citywide school closure declaration, and the citywide stay-at-home order. They found that 911 calls related to assault drastically dropped following the declaration of emergency due to COVID-19, yet calls for help remained consistent.<sup>213</sup> The authors stress that “comprehensive claims about the pandemic’s effects on violence should be met with some skepticism” as the data is still young and the confounding factors must be carefully dissected, and the question of whether domestic violence worsened during this period is not simple.<sup>214</sup>

While many of these studies focus on strategies for mitigating the aggravation of domestic violence during the pandemic, Moyer et al. consider lessons learned from the pandemic. This study describes lessons learned from the transition from operating the Crystal Judson Family Justice Center (CJFJC) in person before the pandemic to remote work.<sup>215</sup> They note that during the COVID-19 quarantine in Tacoma, Washington, victims experienced barriers to accessing help, such as the lack of privacy to contact resource agencies, the fear that contacts could be overheard or monitored, and limited access to cell phones, email, or the internet.<sup>216</sup> To adjust to the transition necessitated by the pandemic, CJFJC was awarded a grant under the federal CARES Act to purchase cell phones for survivors and Visa gift cards for survivors forced to relocate during lockdown.<sup>217</sup> Moyer notes that the COVID-19 restrictions “severely limited” a survivor’s

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<sup>213</sup> Sorenson, Sinko, and Berk, “The Endemic Amid the Pandemic.”

<sup>214</sup> *Ibid.*

<sup>215</sup> Rachel A. Moyer et al., “Advocacy Services for Survivors of Intimate Partner Violence: Pivots and Lessons Learned during the COVID-19 Quarantine in Tacoma, Washington,” *Family Court Review* 60, no. 2 (2022): 288–302, <https://doi.org/10.1111/fcre.12642>.

<sup>216</sup> *Ibid.*

<sup>217</sup> *Ibid.*

access to assistance, and these challenges were more significant for older adults, persons with disabilities, and low socioeconomic status survivors who lacked the technological capability to access support virtually.<sup>218</sup> Following the experience of pandemic lockdown, CJFJC has shifted its services long-term to be more resilient to disaster and flexible in extraordinary circumstances.<sup>219</sup>

Wood et al. examines domestic violence during the pandemic through the lens of occupational experiences of the domestic violence workforce. The goal of this study was to “understand the experiences of the workforce providing support to survivors, as well as the evolving service delivery methods, shifting safety planning approaches, and occupational stress of frontline workers.”<sup>220</sup> This study addresses the gap in the pandemic literature by assessing the challenges of the workforce using a mixed-methods approach, finding a need for training, infrastructure, and additional support for domestic violence advocates.<sup>221</sup> Researchers created a Qualtrics survey that was broadly disseminated, garnering 352 participants from 24 states. This study considered two time periods—before the pandemic, as defined as March 13, and after the start of the pandemic. Results were evaluated using chi-square, t-test, and ANOVA analyses to account for demographic variables, while open-ended questions were thematically analyzed. It finds that workers had to change the ways in which they went about supporting IPV survivors, workers experienced an increase in stress, and decreased safety for IPV survivors, suggesting that “frontline workers...are facing even more challenging conditions in

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<sup>218</sup> *Ibid.*

<sup>219</sup> *Ibid.*

<sup>220</sup> Leila Wood et al., “On the Front Lines of the COVID-19 Pandemic: Occupational Experiences of the Intimate Partner Violence and Sexual Assault Workforce,” *Journal of Interpersonal Violence* 37, no. 11–12 (June 1, 2022): NP9345–66, <https://doi.org/10.1177/0886260520983304>.

<sup>221</sup> *Ibid.*

providing services to their clients.”<sup>222</sup> However, the researchers note that the population of IPV and sexual assault service workers surveyed “should not be viewed as representative of all IPV and sexual assault staff” as “the substantial majority come from one Southwestern state, and the sample may over-represent those with easy access to technology.”<sup>223</sup>

Garcia et al. also examined occupational experiences of advocates during the COVID-19 pandemic, but used a descriptive qualitative approach using semi-structured interviews and uses an inductive approach to analyzing results “in an effort to stay close to the data.”<sup>224</sup> This study was broadly advertised, and 53 IPV advocates participated in recorded virtual interviews. Recordings were transcribed and uploaded to Dedoose for coding, and codes were developed inductively. They found that working as an IPV advocate during the pandemic personally impacted advocates, agencies developed novel methods to provide services and to meet pandemic-specific needs, virtual work had positive and negative implications, and the pandemic compounded pre-pandemic inequities and challenges for culturally-specific IPV agencies.<sup>225</sup>

Despite these studies (Moyer, Wood, Garcia), relatively few studies have considered the impact of COVID-19 on the domestic violence workforce. While a plethora of articles published near the outset of the pandemic provide essential guidance for transitioning from in-person to remote operations, to my knowledge, there is no research that considers the impact of COVID-19 on domestic violence advocates in the

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<sup>222</sup> *Ibid.*

<sup>223</sup> *Ibid.*

<sup>224</sup> Rebecca Garcia et al., “The Impact of the COVID-19 Pandemic on Intimate Partner Violence Advocates and Agencies,” *Journal of Family Violence* 37, no. 6 (2022): 893–906, <https://doi.org/10.1007/s10896-021-00337-7>.

<sup>225</sup> *Ibid.*

state of Maine, or work that considers the challenges faced by that workforce during this new phase of COVID-19 in which the pandemic is becoming endemic. COVID-19 and its variants still exist and proliferate, by research and funding has dried up relative to early on in the pandemic. Meanwhile, inflation has skyrocketed and domestic violence has not gone away. I seek to fill this gap by assessing occupational experiences of Maine's domestic violence workforce to identify lessons learned and current challenges to serving survivors of domestic violence.

## CHAPTER 3: METHODOLOGY

### PARTICIPANTS

***Table 1: Participants***

<u>Name</u>	<u>Title</u>	<u>Organization</u>	<u>Catchment Area</u>
Rebecca Hobbes	Executive Director	Through These Doors	Cumberland County
Casey Faulkingham	Director of Development and Engagement	Partners for Peace	Piscataquis & Penobscot Counties
Amanda Cost	Executive Director	Partners for Peace	Piscataquis & Penobscot Counties
Cynthia Freeman-Cyr	Rural Legal Services Coordinator	Partners for Peace	Piscataquis & Penobscot Counties
Patricia Graffam	Program Director	Penobscot Nation Domestic and Sexual Violence Advocacy Center	Penobscot Nation
Tessa Mosher	Director of Victim Services	Maine Department of Corrections	Statewide

I collected contacts from a variety of domestic violence advocates throughout the state of Maine and sent 25 of these advocates recruitment materials. To participate in this research, participants were required to be at least 18 years old with a minimum of five years' experience serving survivors of domestic violence. The second criterion was included to ensure participants were familiar with both pre- and post- pandemic

conditions. As this research involved interviewing human subjects, I received approval from the Institutional Review Board before beginning the research. See appendix 1 for the letter of approval allowing this research to take place. I received contacts from my thesis committee as well as Amanda Cost, one of the interviewees. I then reached out to 25 individuals who fit inclusion criteria, but I included the age and minimum experience requirements in my recruitment emails. See Appendix 2 for the recruitment script I used in my emails to prospective participants. I contacted those who responded to the recruitment information to schedule the interview and discuss their preference for Zoom or in-person interview. At this point, participants were required to complete an informed consent form. See Appendix 3 for this consent form. Additionally, see Appendix 1 for the letter of approval from the Institutional Review Board allowing this research to take place. As I planned to publicize the names of the interviewees in this research, the study was advertised with the stipulation that confidentiality would not be held. In all, seven participants responded to the recruitment information and six participants were interviewed. The individual that replied but was not interviewed was initially scheduled for an interview via Zoom, but had to cancel the interview due to illness, and was unable to find time to reschedule.

### INTERVIEWS

At the beginning of each interview, I read an introduction script to the participant. This script may be found in Appendix 4. Interviews were conducted in a semi-structured manner, starting with a standard set of questions adapted from the work of Garcia et al., but permitting deviation from those questions as appropriate to allow respondents to answer in greater depth. See Appendix 5 for sample interview questions. Five of these

interviews were conducted via Zoom, and one was conducted in person. These one-on-one interviews lasted between fifteen minutes and one hour in length. All interviews were recorded; the Zoom interviews were recorded by Zoom, and the in-person interview recorded using Voice Memos. Each interview was transcribed automatically using the Otter.ai software purchased with support from the Charlie Slavin Research Fund and manually reviewed for errors and corrected. I opted to utilize intelligent transcription when reviewing the automated, verbatim transcripts, editing the transcripts to clean up pauses, laughter, and filler words such as “uhm” and “like.” Each transcript was then sent to the participant, who could at that time strike any statements they did not want included in this research, or add clarification or context to their statements. Recording began as I read an introductory script; greetings and goodbyes were not recorded or transcribed. Recordings were destroyed upon transcription.

### ANALYSIS

This research was conducted using a descriptive qualitative approach in line with the research methods employed by Garcia et al.<sup>226</sup> I first read each transcript twice without applying or creating any codes. After reading, I began the coding process. I approached coding the transcripts inductively—codes were developed as they emerged from the data.<sup>227</sup> This inductive coding method was also utilized by Garcia et al., who “chose an inductive approach to align [themselves] with a descriptive qualitative technique and to closely understand the perspective of advocates during this

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<sup>226</sup> *Ibid.*

<sup>227</sup> Renate M. Kahlke, “Generic Qualitative Approaches: Pitfalls and Benefits of Methodological Mixology,” *International Journal of Qualitative Methods* 13, no. 1 (February 1, 2014): 37–52, <https://doi.org/10.1177/160940691401300119>.

unprecedented public health emergency.”<sup>228</sup> As the goal of my research is similar, this approach seemed appropriate for my work as well. Approved transcripts were uploaded into the Dedoose software (version 9.0.62) to streamline the coding process. I developed my codebook iteratively using Dedoose—as codes emerged, I wrote short descriptions defining each code, and Dedoose maintained the defined codes and allowed codes to be used across transcripts. Each transcript was reviewed twice. In the first read, preliminary codes were adapted and defined. I reviewed and revised these codes periodically, merging similar themes and deleting redundant categories. and restructured the code tree as needed, and to remove redundant labels. I took a second pass at coding to ensure nothing important was left out, and to improve consistency. Code definitions were also important in ensuring codes were applied consistently. Upon completion of analysis, I compiled the below narrative of these findings.

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<sup>228</sup> Garcia et al., “The Impact of the COVID-19 Pandemic on Intimate Partner Violence Advocates and Agencies.”



## CHAPTER 4: FINDINGS

Several themes emerged from the data: 1) staff and organizations experienced workforce challenges during the pandemic; 2) challenges related to COVID-19 impacted how services were provided and continues to impact victims, advocates, and agencies; and 3) funding is a critical challenge and top priority for advocates and organizations.

### IMPACT ON WORKFORCE:

Each advocate described the impact of workforce issues on their workloads, with some describing additional work they had to take on due to the pandemic. Executive Director at Partners for Peace Amanda Cost describes an additional role she had to take on:

“...there was the expectation that I would become a public health nurse on top of being a nonprofit director and manager, and I had to learn a lot of things about the transmission of diseases and how it affects staff...we had to make some drastic decisions about how we were structured so we could make [decisions for the survivors’ and staff’s wellbeing] more quickly.”

Additionally, participants cite workforce challenges that have emerged since the pandemic have burdened agencies and increased workloads. Casey Faulkingham notes that Partners for Peace’s volunteer program “took a huge hit during the pandemic.” On this decline, she states that in-person volunteering opportunities were eliminated, and fewer people volunteered to staff the helpline: “people could still volunteer on the helpline, but it was like, during a time when life was really hard. So, most people, when they wanted to volunteer, they weren’t looking for that kind of volunteering.”

Meanwhile, the agency has struggled to fill open positions and retain staff, but “the work for those positions doesn’t just go away,” causing the need for staff to take on additional work. Cynthia Freeman-Cyr provides her perspective on this issue:

Well, we sure have had a lot of turnover. I don't know the numbers. We have, you know, just gotten people trained, and then they're gone. And I don't, because I'm not...you know, I don't know people's actual reasons for leaving, necessarily. A couple of folks, I do think it had to do with the work and with the inability to get childcare after hours and things like that, which are not necessarily pandemic-related, but more of an ongoing issue of lack of childcare when people need it. It has taken its toll on all of us here that we've had this turnover, whatever the individual's reason for leaving, you know, it's it can be very... I mean, the impact you feel the impact immediately when one person is off the helpline. It means everybody else has to pick up more.

These issues did not just affect Partners for Peace. Rebecca Hobbs at Through These Doors states that while the organization did not lose staff in the first year, they “have had a really significant bout of employee turnover” following that point. Cynthia Freeman-Cyr describes a factor she feels is contributing to burnout—the lack of casual interaction and supportive processing that had previously been facilitated by working in person in an office with others:

“...all those natural kinds of [conversations emerging from] bumping into people in the kitchen or whatever, ‘Hey, did you hear about what happened in court today,’ kind of conversations, don’t happen. There is very little supportive processing happening. Yes, one can pick up the phone, but it’s not an organic thing...you don’t just do that, unless you’ve got something specific to say. But if there were other people in the building when I came back from court, I would sit down with someone for five or ten minutes...for people who were newer to the work, working in isolation must be horrible...I think if I were a newer worker and working in the environment I’m working in right now, I would not have been able to stay. It’s very isolating.”

Amanda Cost and Casey Faulkingham describe the adaptations the organization had to make in order to better support and retain staff, including implementing quarterly retention bonuses, connecting employees with support services, and generally “putting a lot of time and energy and funding and resource into our people, because they’re the ones that are doing the important work.” Casey adds to this emphasis on supporting staff: “we prioritized hiring a Director of Human Resources during the pandemic...it was something

that we had been planning and wanted to do. But it was like time when the pandemic hit, because when it came to needing to make sure employees were being safe during the pandemic, that they felt taken care of, providing staff with PPE, [and] making sure that we were putting policies in place that were keeping them safe.” Beyond these workforce challenges, the pandemic has impacted how services were provided and accessed.

### THE PANDEMIC’S INFLUENCE

Advocates report that the pandemic has had a tremendous impact on the ways in which services were provided and accessed. Participants described a variety of ways in which their work was affected by the initial wave of the pandemic in March of 2020. Each advocate I interviewed had “gone remote” as the pandemic started, or transitioned to remote modalities for conducting their work. Elements of this transition included adapting helpline services, support groups, community-facing work, organizational work, and supporting remote work.

For Tessa Mosher, this transition to remote work and conducting safety planning meetings via Zoom was the only significant way in which her work changed due to the pandemic. Additionally, she reports relationships with other agencies were not significantly affected by the pandemic:

We work closely with other agencies such as the Domestic Violence Resource Centers, Sexual Assault Support Centers, Wabanaki Domestic and Sexual Violence Advocacy Centers, and we have great working relationships that have remained the same through the pandemic. We are very fortunate and thankful for the services available. The centers are highly supportive of the victims we work with and are highly involved in the victim-centered safety planning meeting process.

However, participants from domestic violence resource centers the pandemic differently as shelter programs, support groups, community-facing work, and

collaborating with community partners all had to be adapted for the pandemic. Though COVID-19 immediately impacted services by mandating remote modalities, many participants felt their organizations were able to shift seamlessly to operating helpline services remotely, as these were phone-based prior to the pandemic.

Advocates described services that were formerly in-person, such as support groups and meetings with survivors, as among the top priorities for transitioning to remote services at the start of the pandemic. Services offered remotely due to the pandemic that are still offered remotely by these organizations to today include book clubs, community engagement, and support groups. Casey Faulkingham reports that at her organization, the pandemic was the push to start offering support groups virtually, and that “will last...probably forever.” However, as “other domestic violence resource centers in the state were not as quick on the uptake...our group has become a little bit statewide...because [online support group] doesn’t exist in other parts of the state, we had survivors coming to our support group from all over.” As the organization is not structured to provide resources statewide, this is both a positive and a challenge for the agency. Rebecca Hobbs at Through These Doors also discussed the implementation of virtual support groups, noting that while being in person allows for personal connection, the virtual options allow for convenience and increased access, especially for survivors with children who would otherwise need to find childcare or lack transportation.

While these efforts to hold groups virtually were reportedly successful at Through These Doors and Partners for Peace, Patricia Graffam at the Penobscot Nation Domestic and Sexual Violence Advocacy Center describes trying to initiate a virtual support group,

but receiving “no bites. Zero bites. Nothing,” after sharing information about the virtual group via social media.

Community work also had to be adapted due to the pandemic. Patricia Graffam used drive throughs to distribute literature, set up information and displays in public locations, and adapted the Clothesline Project to eliminate in-person gathering. As Program Director for a culturally specific organization, Patricia Graffam reports additional ways in which COVID-19 impacted her community. Prior to COVID-19, she supported her survivors through celebrating their culture: “...We have not been able to, since COVID, to enjoy our culture...before COVID, we had groups, we had talking circles, we had sexual assault groups and domestic violence groups, we fringed shawls together. We have not had a sweat for three years...with COVID, we weren’t allowed to do that.” Clearly, remote services are not enough for everyone—there are no real remote alternative to these culturally-specific services.

Working with community partners also became a remote process as meetings previously held in person were now held via Zoom. Advocates report that this change has had positive and negative consequences. Rebecca Hobbs calls meeting virtually “a time saver” that she imagines will continue. Cindy Freeman-Cyr notes that meeting remotely eliminates driving and uses fewer resources, but she is concerned about the impact on relationships with community partners. While “it hasn’t affected old relationships” such as the agency’s working relationship with St. Joseph Hospital’s S.A.F.E. nurses, she worries that new relationships are not being fostered: “we have lost a lot of ground I feel like, because I think a lot of people have been very isolated in their work, and we haven’t been at the tables that we used to be at. Nobody’s at the table. We’re on Zoom, and that

really has changed working relationships with people.” Similarly, Patricia Graffam reports eliminating the need to drive to Augusta to attend meetings of the Maine Coalition to End Domestic Violence has been “the only good thing about Zoom,” but feels a loss of connection when meeting remotely:

... I can't concentrate. If I'm sitting at my desk watching Zoom, I've still got my laptop open. I've got my phone ringing. I've got my emails over here. I'm not 100% paying attention... I've got to sit there and be involved because I have ideas, I have things I want to say. But then, here, I've got so much going on. And then people are like, when they're like, 'anybody have any questions' or are 'blah blah blah,' I don't want to be the person that's like 'by the way...' you know, because you know everybody's like, 'come on come on, let's go, like I wanna shut this off' ... Zoom is good, Zoom is bad.

A challenge the domestic violence resource centers experienced was adapting shelter services to eliminate in-person contact. Rebecca Hobbs states the pandemic’s “first and biggest impact” was on the shelter program:

Of course, there was no way to make shelter remote, and when people need to be in a shelter, they need to be in a shelter. So we had to pivot dramatically with shelter services, reworking how we worked in the building, separating people, changing the living situation, shopping for people where they couldn't shop for themselves, putting people in hotels...it was very significant.

Amanda Cost also spoke on the challenge of adapting shelter services:

Our shelter services changed drastically, we went from mostly having people housed in our shelter building itself to housed in hotels. And so that presented a lot of challenges around how we were going to help them meet their basic needs. And then what did meeting with them look like? Because at first we couldn't meet with them in person. And that was what we were used to. And so we had to figure out how to meet with them. And in other ways, trying to find housing and support people in finding housing was really difficult.

Patricia Graffam indicated that this experience was extremely challenging for her organization as well, and this challenge was compounded by the issue of other organizations sheltering people in hotels and motels at the same time for a variety of

reasons, causing a sense of resentment among hotel and motel management and high stress for advocates trying to make this system work:

We were, we had a shelter, which was just an apartment that we had, we could put three small families in, we were full all the time. We were putting people in a hotels and motels. Then everybody started putting people in hotels and motels. And then the hotels and motels stopped treating our people like motel guests and started treating them...it was almost like they were their boss. So they go from power and control, trying to flee violence, to living in a motel and then and we have rules we do have rules where like if we put you in a motel this is equal to a shelter. You can't tell people where you're at, you know, I'm sorry to say you can't have, you can't have guests over unless we've approved it, it's a case manager or a therapist or something like that. But then some people not our--not all our people--but some people started having other people at the motels and hotels, and were self-medicating. And then pretty soon, the motels are kicking people out, left and right, because they're saying, 'Oh, they had someone in there,' or 'they... are going through too many of our towels,' or just all of these reasons. And so then I'm not only helping people who are fleeing, but I'm trying to protect them from the hotel managers and owners. And it just--it it got really stressful, it got really hard. And having children and motels how many toddlers and motels is so hard.

In addition, she stated that to be placed in a hotel or motel, "you have to show ID...and a lot of people don't have IDs. And it's a huge, huge, huge barrier for people," but flexible funding was made available to problem-solve some of these challenges, such as by purchasing a tent and a sleeping bag for a survivor who did not have the identification needed to be placed in a motel. This funding also allowed her organization to hand out gas cards and food cards during the emergency phase of the pandemic. Amanda Cost also talked about this flexibility of previously strict funds:

[Pandemic funding] is different than most of the other funding that we receive...we had to do little to get it, there were very few restrictions, and the reporting out afterwards was almost non-existent. And that is unheard of...the hoops we have to jump through to get our money, and then the reporting that we have to do while we have it, and the limitations on it are—it's ridiculous. It's—it really really is. And during COVID, that wasn't the case.

She describes the experience of accessing this funding during the pandemic as a lesson learned for the future, and she hopes can look this way going forward:

It was just... a reminder that things can really look that way. And we've been saying to our funders the past few years... 'Why can't things look more like that?' You expect us to, you know, be so productive in all of these ways, in the services that we provide, and yet you don't pay us for the administration that it costs us to have this money. And so that needs to be different. So I guess that's another thing that came out of the pandemic is that we can look to how we were provided with funds and how we spent it to be consideration for the future when it comes to receiving money.

However, funding presents a key challenge for advocates and organizations at this inflection point as we emerge from a pandemic and begin to live with COVID as an endemic disease.

### FUNDING NEEDS

Every DVRC participant indicated high levels of concern about organizational funding, and the survivor-side impacts of rising costs. Amanda Cost noted:

This is the first year since I've been in this position--and I've been in this position for over six years—where I have really walked around in the hallways every day going, we need more money, we need more money, we need more money. And we have an endowment, which--most nonprofits our size don't...so we're very fortunate, and we have a lot of assets as an organization. So you know, we'll be okay. But that won't sustain us if we can't get more money. And so we are going to be competing with our community partners who are also walking around the hallway saying we need more money.

Casey Faulkingham expressed frustration and concern regarding the pandemic funding and funding now:

... just about all of that [pandemic] funding has dried up at our organization, and at all the nonprofits in our community that had those COVID dollars. So now we're all still here with with the same issues, like these issues still exist, people still need help with their basic needs. But for some reason, now that the pandemic-- now that like, we're, I don't know, if we're post pandemic, or what we're calling it, but you know, two years later-- now, we haven't, we haven't created long term solutions for these issues, or our society hasn't. So now we're sitting here with none of that money and all the same issues, and some of them are even worse, some of the economic issues are worse post-pandemic, so, and fuel costs, and anyway...so my, my job is money, and trying to figure out how to fund the work we're doing and how to fund



providing services and support to survivors. So that has just become really nuanced, and, and challenging. And there have been some frustrating moments.

She adds that the organization has seen an uptick in the number of survivors served, but the money does not match the greater demand for resources: "...things picked up during the pandemic and they have not slowed down for us. And so we're sitting over here thinking, so why is the funding slowing down? Like...that part's like totally halted, and we're still as busy as ever—or more busy."

Patricia Graffam has experienced the same issue of underfunding, particularly as courts that were shut down during the pandemic have reopened:

I've run this program for over eight years. And so I've been working on my third big grant. And I've never spent the entire thing, I've come really close to it. But I, I am already getting finance like, hey, Pat, you gone \$30,000 over on your consultant budget. And I'm like, I know, I'm sorry, I'm sorry. But I have so many cases... everything just stopped for a while. And now it's flooded. And I have people that need attorneys for parental rights and responsibilities, for divorces, you know, and it's eating up my budget like crazy. And the attorney-- their attorney fees are going higher. So I'm just-- I work with Pine Tree Legal...and I try, you know, to get attorneys from there because I don't have to pay their attorneys and they have an amazing, awesome, awesome, awesome attorneys...We do have a budget [for attorneys], but we're eating it up. And I get charged every email that I ...And so as soon as our attorney reads that email, on the clock. \$200 an hour. Reply's on the clock, text on the clock, I hear it like bills, bills bills, bills, bills...we have you know, so much allotted for each person, and then it's at our discretion if we continue to pay. And I just, I don't have the heart to tell someone like 'Sorry, you're halfway through your parental rights. I'm gonna have to shut off the funding to the attorney.' Like that kills me.

In addition to challenges with receive funding to operate organizations and provide services, staff are highly concerned about rising prices and the collapse of Maine's Emergency Rental Assistance Program. Amanda Cost describes the challenges presented by the loss of ERA and her concerns for the future:

We are... this winter is going to be awful, as families who were depending on that emergency rental assistance have to deal with the fact that that money is gone.

They're living, often living in apartments that are not inspectable, because they didn't need to pass inspection to get the ERA money. And in order for them to get a voucher, they're going to have to pass inspection. And many of the places they're living in won't pass inspection. So we're going to see an increase in homelessness, we're going to see an increase in calls to our organization for rental assistance, for help with security deposits, for information about legal services related to eviction. I just I think that this winter is going to be really, really challenging.

Cindy Freeman-Cyr describes similar concerns, and has experienced an increase in calls for shelter: “I think that tells me that, you know, the resources that were so abundant during the pandemic are, from what we know, going away, and people who are using rental assistance and other forms of financial assistance that aren't going to have that anymore, is very worrisome.” The housing crisis has collided with the lack of flexible funding and rising costs across the board. Cindy adds that she is “...worried about, obviously the price of things, how that's going to impact people through the winter especially. And you know, we don't have the abundance of resources that we had for a while to help people with groceries or rent or light bills or all of those things. So it's worrisome.”

Patricia Graffam also reported concerns about the rising prices and the inflexibility of current funding. Particularly, she is worried about housing costs skyrocketing from the \$650/month standard she was used to before the pandemic:

Right now, apartments [are] \$1,500, \$1,800, with these crazy down payments, security deposits. Food, I mean you—two bags of chips is \$7 or \$8, \$4 for some eggs...the price of gas, Everything is so expensive...we used to be able to grab an apartment for \$650 and say, ‘we'll do transitional [housing] for you until you're completely on your feet.’ And our transitional program has the minimum of six months and up to 24 months. Well...you take the grant that I've written and you want to help three people, three people a year, it's \$650 a month for the minimum of six months, maybe longer. Well, now that \$650 is \$1,500. And it's depressing.

## CHAPTER 5: DISCUSSION

My findings are largely consistent with those of Moyer, Wood, and Garcia, particularly as relevant to the transition to remote services and a change in the roles and workloads of domestic violence staff and the impact of workforce challenges. This study also resonates with “a frequent theme” that emerged in Wood et al.’s research: “the combined forces of reduced resources (including fewer available shelter beds due to the implementation of social distancing procedures and reduced financial resources due to the economic downturn) with increased demand for services.”<sup>229</sup> However, there are some discrepancies among the findings.

Garcia et al. considers “alternative housing options” such as hotels to be “a feasible and potentially effective solution even after the pandemic,” but does not consider the issues of prejudice against victims sheltered in hotels by hotel/motel management, nor does it consider the added challenges of sheltering individuals and families in hotels, such as difficulty providing support services, isolation, and challenges in meeting the basic needs of survivors sheltered in hotels. This suggests the feasibility of such alternative housing options should be considered in future research. Concerns about getting through the winter are more prominent in my findings than in prior work conducted elsewhere in the United States, as are concerns related to the end of the Emergency Rental Assistance (ERA) program. Though ERA provided funds at the federal level and some federal limitations were placed on how these funds could be used, each state and each community receiving ERA funds had some leniency in how those funds were

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<sup>229</sup> Wood et al., “On the Front Lines of the COVID-19 Pandemic.”

distributed.<sup>230</sup> This discrepancy is likely due to the fact that this program was still funded at the time of the publication of the Wood and Garcia studies. Though ERA was not specifically indicated in the findings of Wood and Garcia, they did both articulate advocates' concerns about housing. Future research is needed to better understand the impact of ERA on the housing challenges faced today.

However, this study has several critical limitations. First of all, the sample size is extremely small, and was not randomly selected. As such, one particular domestic violence resource center, Partners for Peace is overrepresented in these findings. I initially hoped to garner 25 participants representing each of the DVRC's in Maine, and even that number would represent a limited sample size. Future studies should utilize a larger sample size representing advocates throughout the state, not just a handful of regions. Additionally, the length of each interview varied, and many of the interviews could have gone longer. I felt the interview with Rebecca Hobbs in particular could have been longer, but this interview was only about 15 minutes in length due to time constraints on the participants' end. Future work should allow for at least 45 minutes per interview so that participants have enough time to provide all information, and to eliminate the issue of shorter interviews receiving fewer quotes in the findings. Further, it is impossible to establish from these findings the extent to which the challenges faced by advocates and organizations today are a direct result of the COVID-19 pandemic; these results should not be understood to establish a causal relationship between these challenges and the pandemic.

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<sup>230</sup> Garcia et al., "The Impact of the COVID-19 Pandemic on Intimate Partner Violence Advocates and Agencies."

As a small, qualitative study, these findings lack generalizability. Future research should rigorously assess the novel practices used by agencies during the pandemic, particularly as little assessment or evaluation has been done at any level at this point, yet advocates and agencies report a desire to retain some of these adjusted practices long-term. Future work may also examine the impacts of the pandemic on Native American communities, with respect to domestic violence advocacy organizations and in general.

I recommend that policymakers consider ways in which funding for domestic violence service agencies can be restructured to allow organizations to spend more time meeting the needs of victims and survivors, and less time on the administration work required by pre- and post-pandemic funding streams. Additionally, they should consider appropriately funding agencies to respond to this new phase of the pandemic and the tremendous challenges around housing, inflation, and community reintegration faced by domestic violence resource centers.

## CHAPTER 6: CONCLUSION

This study is the first to focus on the experiences of Maine's domestic violence workforce due to the COVID-19 pandemic, and, to my knowledge, is the first to assess challenges in the new, endemic phase of the disease. In this study, advocates revealed the ways in which organizations adapted to pandemic policies, the challenges presented by the pandemic, and the ways in which agencies are struggling to cope with the increased demand for services while experiencing a decrease in funding and personnel. Future work is needed to expand on this research, but the need for funding is critical.

The availability of government funding to tackle domestic violence is a recent development relative to the long, complicated history of domestic violence legislation; it has bolstered the movement to end domestic violence, supporting solutions to prevent and intervene in cases of violence and increasing the legitimacy of the movement, but government funding alone has not solved the problem of domestic violence. In fact, government funding presents its own challenges; processes of applying for and maintaining funds can be costly and onerous, putting stress on organizations that tend to be stretched thin already simply by virtue of the work for which these organizations are responsible. Additionally, these funds tend to be highly restrictive. Flexible streams of funding, on the other hand, enable these organizations to make victims safer in a variety of ways that are not obvious to an outside observer.

Today, we face a wide variety of intractable issues that affect a wide variety of people across the country. It is easy to dismiss this issue for more pressing matters. If we ignore the endemic crisis of domestic violence, we risk returning to an earlier page in our history. Policymakers have the power to shape our environment, preventing violence and

protecting victims while holding perpetrators accountable. While this century has brought immense change in attitudes surrounding domestic violence, there is a long road ahead to ensuring domestic peace.

In 2022, the state of Maine saw 29 incidents of homicide, exceeding the state's average of 22 homicides per year. Of these, 15 were the result of domestic violence. As total incidents of homicide fluctuate year by year, the proportion of these deaths resulting from domestic violence holds steady at approximately 50%. Year after year, half of our state's murders were committed by intimate partners or family members. These people were more than statistics; they were people, beloved friends, mothers, daughters. They were men and women who deserved peace and love yet met horrific ends at the hands of those who were supposed to love them the most in the world.

*Jeanine Ross*, 66. Mother, daughter, grandmother. Strangled to death by her son.

*Eva Cox*, 58. Mother, grandmother, gardener. Murdered by her boyfriend.

*Jennifer Lingard*, 41, nurse, mother of two, avid runner. Murdered by her boyfriend.

*Nicole Mokeme*, 36, activist, daughter, fierce lover of nature. Murdered by her boyfriend.

*Octavia Huber Young*, 1 year, 10 months. Shot and killed by her uncle.

*Alice Abbott*, 20. *Brooke Mclaughlin*, 14. *Lois Swanson*, 89.

This list of individuals is not comprehensive, and each are unique in circumstance of death and personality during life, yet each of these victims share common traits: they deserved love and peace, and they should still be alive. Fifteen unique, bright people were murdered as a result of domestic violence in this state in the past year. This is

unacceptable. While domestic violence has generally improved over the years, we must continue supporting domestic violence resource centers in their work of creating a world free of violence until this number is down to zero.



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## APPENDICES



APPENDIX 1: INSTITUTIONAL REVIEW BOARD LETTER OF APPROVAL

APPLICATION FOR APPROVAL OF RESEARCH WITH HUMAN SUBJECTS  
Protection of Human Subjects Review Board, 311 Alumni Hall

PRINCIPAL INVESTIGATOR: Catherine (Keely) McConville  
EMAIL: catherine.mcconville@maine.edu  
FACULTY SPONSOR: Dr. Mark Brewer  
EMAIL: mark.brewer@maine.edu (Required if PI is a student)  
TITLE OF PROJECT: Analyzing Domestic Violence Homicide Policy in Maine  
START DATE:  
PI DEPARTMENT: Political Science, Honors College

STATUS OF PI:  
FACULTY/STAFF/GRADUATE/UNDERGRADUATE U(F,S,G,U)

If PI is a student, is this research to be performed:

- for an honors thesis/senior thesis/capstone?
- for a master's thesis?
- for a doctoral dissertation?
- for a course project?
- other (specify)

Submitting the application indicates the principal investigator's agreement to abide by the responsibilities outlined in Section I.E. of the Policies and Procedures for the Protection of Human Subjects.

Faculty Sponsors are responsible for oversight of research conducted by their students. The Faculty Sponsor ensures that he/she has read the application and that the conduct of such research will be in accordance with the University of Maine's Policies and Procedures for the Protection of Human Subjects of Research. **REMINDER:** if the principal investigator is an undergraduate student, the Faculty Sponsor **MUST** submit the application to the IRB.

**Email this cover page and complete application to [umric@maine.edu](mailto:umric@maine.edu).**

\*\*\*\*\*

FOR IRB USE ONLY Application # 2022-04-03 Review (F/E): E Expedited Category: I.I.3.g  
ACTION TAKEN:

- Judged Exempt; category      Modifications required?      Accepted (date)
  - Approved as submitted. Date of next review: by      Degree of Risk:
  - Approved pending modifications Date of next review: by n/a Degree of Risk: Minimal  
Modifications accepted (date): 5/25/2022
  - Not approved (see attached statement)
  - Judged not research with human subjects
- FINAL APPROVAL TO BEGIN      5/25/2022  
Date

## APPENDIX 2: RECRUITMENT SCRIPT

Greetings [participant name],

My name is Keely McConville and I am an undergraduate student in the Department of Political Science at the University of Maine. I received your contact information from [name of committee member], a member of my thesis committee [add relevant context about how the committee member and potential participant know one another].

I am conducting a research study to assess and evaluate Maine's domestic violence policies focused on preventing domestic violence homicide.

I am contacting you to ask if you would be willing to participate. Participation would involve a 15-45 minute interview that will be conducted via Zoom, or if you would prefer, in person at the location of your choice. I will ask you questions about your experience serving survivors of domestic violence to qualitatively gauge the policy priorities of advocates. Additionally, you must have at least 5 years of relevant experience in this field and must be at least 18 years of age to participate. If you agree to participate, you may choose whether or not to be recorded. If the interview is recorded, recordings will be destroyed upon transcription. If you do not wish to be recorded, I will take notes during the interview. For more information, please review the attached consent form.

If you have any questions, please reply to this email or contact me at (207) 745-2378). If you are interested in participating, please review and electronically sign the attached consent form and return it to me by email.

Thank you for your time.

## APPENDIX 3: CONSENT FORM

### **CONSENT FORM**

You are invited to participate in a research project being conducted by **Catherine McConville**, an undergraduate student in the Department of Political Science at the University of Maine. Dr. Mark Brewer, Chair of the Department of Political Science at the University of Maine, is serving as the faculty sponsor for this undergraduate research project.

The purpose of the research is to analyze existing Maine policies related to domestic violence. To participate in this study, you must have a minimum five (5) years experience with [domestic violence agencies/legislature/public policy].

#### **What Will You Be Asked to Do?**

If you decide to participate, you will be asked to take part in a one-on-one interview with the principal investigator. In this interview, you would be asked questions relating to domestic violence survivor safety needs. These responses would be used to uncover the policies that might best serve survivors if enacted, to help understand what policies are already helpful, and to identify existing unmet survivor needs that might be better addressed. Specifically, this interview will focus your experiences from the pandemic. The interview will be conducted via Zoom or in-person at the location of your choosing.

You will be asked if you are comfortable with the interview being recorded. If you choose to participate but do not consent to being recorded, I will alternatively take notes during the interview. Once this interview is transcribed, I will email you a draft of the transcription that you may mark up with any corrections. Additionally, at this time, you may choose to “strike” statements that you don’t want to be published with your name. We can collaborate on this process until the transcript is accurate and ready for your approval. We will only use statements from the approved version of that transcript in the research. The original recordings and transcripts will be destroyed after this project is complete (May 2023).

It may take approximately 15-45 minutes to participate.

#### **Sample Interview Questions:**

- What is your role and title at your organization?
- How has your job or role changed in response to the pandemic?
- What measures do you turn to most frequently or consistently when assisting survivors?

- How has the pandemic impacted services for survivors?
- Do you feel you had the appropriate support to continue serving survivors throughout the pandemic?
- How has the pandemic impacted Maine's CCR?
- Have there been any changes your agency made during the pandemic you would like to sustain?

**Risks:**

- Except for your time and inconvenience, there are no risks to you from participating in this study.

**Benefits:**

- While this study will have no direct benefit to you, this research may help us learn more about the policies that might better serve victims and survivors of domestic violence.
- Additionally, collecting statements from people like you who work in this field allows us to incorporate your vital perspective into research on policies to further support your field and the people you work to assist.

**Confidentiality**

If you agree to this interview, the information disclosed to the principal investigator will not be held confidential. Quotations from the interview and/or information such as your name, job title, and place of employment may be included/published in the final thesis project. Statements from approved transcripts will appear in the final research project. As such, statements you make during the interview that appear in the final version of the transcript you approve may be available online in the context of this research or shared at events such as field-relevant conferences, which could pose a potential risk to privacy.

You will only be quoted on statements that appear in the final, approved transcript. Once the interviews are recorded, the principal investigator and/or faculty sponsor will produce a draft of your interview transcript. This draft will be sent to the you and you will have the opportunity to mark up this document to make any corrections or to strike from the record any statements you do not want your name on in the final, published research.

For interviews conducted in person and recorded using my phone, phone recordings will be immediately destroyed once I (the Principal Investigator) have transcribed the interview. At latest, recordings will be deleted off the phone by May 2023.

For interviews conducted and recorded via Zoom, I will immediately download the audio recordings following interviews. Recordings will be stored on my password protected computer until the transcription is complete. Upon completion of transcripts and no later than May 2023, the Zoom recordings will be destroyed.

For interviews not recorded due to participant preferences, notes accessible only to myself and the faculty sponsor will be maintained until May 2023 before being destroyed upon termination of this research. The transcripts for each interview will be stored on my password protected laptop and will be destroyed upon completion of the research (May 2023). The full transcripts will only be accessible to the Principal Investigator, Keely McConville, and the Faculty Sponsor, Dr. Mark Brewer, but selected quotes from the approved transcript may appear in this research with your identifying information (name, agency, job title).

### **Voluntary**

Participation is voluntary. If you choose to take part in this study, you may stop at any time. You may skip any questions you do not wish to answer.

### **Contact Information**

If you have any questions about this study, please contact me at (207) 745-2378 or [catherine.mcconville@maine.edu](mailto:catherine.mcconville@maine.edu). You may also reach the faculty advisor on this study at [mark.brewer@maine.edu](mailto:mark.brewer@maine.edu). If you have any questions about your rights as a research participant, please contact the Office of Research Compliance, University of Maine, 207-581-2657 (or e-mail [umric@maine.edu](mailto:umric@maine.edu)).

**Signature:** \_\_\_\_\_

Name (Print/Type): \_\_\_\_\_

Date: \_\_\_\_\_

#### APPENDIX 4: INTERVIEW INTRODUCTION SCRIPT

Thank you for agreeing to this interview. My name is Keely McConville, and I am an undergraduate student in the Department of Political Science at the University of Maine.

I will ask you various questions related to your work with domestic violence to help fill in some gaps in my research project, introducing a qualitative lens through which the best practices for preventing domestic violence homicide might be uncovered and assessed, as informed by experiences with and lessons learned from the pandemic. If you agree to be recorded, the interviews will be recorded via Zoom for Zoom interviews or via the Voice Memos recording software for interviews conducted in person. If recorded, I will destroy the recordings after I transcribe the interview from the recording. If you do wish to be recorded, I will instead take notes during the interview.

As a reminder, in agreeing to this interview, you are agreeing to allow me to use your name, statements, and other information we discuss in my final published research as well as any other presentations and reports related to this research. Once this interview is transcribed, I will email you a draft of the transcription that you will mark up with any corrections. Additionally, at this time, you may choose to “strike” statements that you don’t want to be published with your name and we can go back and forth until the transcript is accurate. We will only use statements from the approved version of that transcript in the research. The original recordings and transcripts will be destroyed after this project is complete (May 2023).

Do you have any questions for me before the interview begins?

## APPENDIX 5: SAMPLE INTERVIEW QUESTIONS

What is your title and role at your organization?

How has your job/role changed in response to COVID-19?

How has COVID impacted survivor outcomes?

- Is it harder for victims to flee?
- Have you noticed any trends in the calls you are receiving? Are you seeing different cases, or cases in different frequencies or of different severity than before the pandemic?
- How have secondary COVID-19 related issues such as courts being backed up and agencies being understaffed impacted survivors?
- What needs emerged during the pandemic that were not previously obvious?

How has the relaxing of COVID-19 policies and the shift back to normalcy impacted advocates and survivors?

How has your agency responded to your needs during the pandemic?

Have there been any changes your agency made during the pandemic you would like to sustain?

What are some of the roadblocks you have encountered that prevent you from serving survivors to the best of your ability?

## AUTHOR'S BIOGRAPHY

Catherine Keely McConville was born in Bangor, Maine on April 30, 2002. She grew up in Orono, Maine, before moving to Yarmouth, Maine in 2016. She graduated from Yarmouth High School in 2020 as a Mitchell Scholar and Phi Kappa Phi Award recipient. Keely started at the University of Maine in the fall of 2020, where she majored in political science with a minor in psychology and joined the Honors College. Keely will be graduating three semesters ahead of schedule thanks to a variety of AP and college courses taken during her high school years and UMaine's generous transfer credit policies.

Outside of the classroom, Keely served as Secretary for the Pre-Law Society, Student Senator for the College of Liberal Arts and Sciences for UMaine Student Government, Inc. (UMSG), and an Honors College Ambassador. She also got involved in local elections, assisting UVote to register student voters in 2020 and working the polls for the Town of Orono in 2022. She interned with a local domestic violence resource center, Partners for Peace, in 2021, leading to a full-time summer position as a helpline advocate. In 2021, she was awarded the Judith Dawn Grant Memorial Scholarship and the Nickerson Scholarship. In addition to these roles, she has worked as a copyeditor, waitress, cook, baking assistant, camp counselor for the Cohen Institute, and Child Protective Intern at the Maine Attorney Generals' Office in Bangor. Upon graduation, Keely will move to Washington, DC, to work as a congressional fellow at the U.S. Senate before applying for law school. Keely hopes to work for the public interest as a family lawyer.